

The Handbooks of Moral and Political Philosophy



Number 6
Classic American Thought

**The Handbooks of Moral and Political Philosophy
Six - Classic American Thought
by Roger Solt**

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First Edition Printed In The United States Of America

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INTRODUCTION

The classical theory of the social contract was developed in Europe -- by Hobbes and Locke, Rousseau and Kant, among others -- but it was most completely realized in America. The United States was probably the first nation in the world to formally declare its operating principles and to formally constitute itself as a political entity. It was also a leader in what has since become the worldwide trend towards democratization.

Similarly, theories of individualism developed in Europe earlier than they did in America, but it was in America that individualism may have found its most fertile soil. Americans have, from the outset, conceived of themselves as (equal) individuals, something which goes a long way to explain the limited appeal that socialism and other collectivist ideologies have had in this country.

LD debaters, like the early Americans, have turned to European philosophers for moral and political inspiration. Useful and important as such thinkers are, it is a mistake to forget the indigenous roots of American thought and practice. For America has been more than the great practitioner of individual autonomy and government by consent -- it has also produced some of the most forceful exponents of these and other moral and political positions.

This book examines some of the classic thinkers of the American tradition. It does this not only because these figures are significant in their own right, fertile and stimulating thinkers, but because their thought is especially relevant to the issues and institutions of American life with which LD debate is concerned.

THE FEDERALIST PAPERS

THE FEDERALIST PAPERS were published in the New York press in 1787 and 1788 as part of the effort to ratify the new constitution. The eighty-five papers were initially attributed to a single author, "Publius." It has since become known that the papers had three authors: Alexander Hamilton, James Madison, and John Jay. Jay had a distinguished diplomatic, political, and judicial career, which included a period as Chief Justice of the United States Supreme Court. Because of illness, however, his role in the writing of FEDERALIST PAPERS was limited. Of the eighty-five essays, he authored only five. The papers, then, with their long-lasting influence on American political theory and constitutional interpretation, were mainly the product of Hamilton and Madison.

Hamilton, a protege of George Washington, had had a distinguished military career during the Revolution and played an important role in the convention which drafted the new constitution to replace the Articles of Confederation. He would subsequently serve as the first Secretary of the Treasury, and would emerge as the intellectual and political leader of the Federalist Party. Throughout his career (before his premature death as a result of wounds received in a duel with Aaron Burr), he would be a strong proponent of centralized government and northern business interests.

Madison is often considered to be the "father of the constitution," because of his central role in its drafting and debate. He is also considered by many to have been the most philosophically acute of the "founding fathers." Though Hamilton wrote a majority of the papers and provided notable insights into issues involving basic governmental relations of the different branches, Madison's contributions have probably had the most lasting influence on political theory.

In the authorship of the papers, Hamilton and Madison (along with Jay) assumed a single voice. This was appropriate for the occasion since both were strong advocates of constitutional ratification, but in the long term their political and philosophical positions diverged. Hamilton, of course, went on to be a leader of the Federalist Party. Madison, in contrast, became closely aligned with Hamilton's great political rival, Thomas Jefferson, serving him as Secretary of State and succeeding him as President. This political divergence is expressive of other, more philosophical disagreements. Hamilton, it seems fair to say, was a classic elitist, a defender of the interests and values of the propertied classes. As a Jeffersonian, Madison was more of a democrat. Their underlying philosophical allegiances also reveal a divergence. Hamilton was in many ways a Hobbesian, preoccupied with power and committed to strong central government. Madison, in contrast, was more of a Lockean liberal. Because of these differences, generalizations about the authors of THE FEDERALIST are somewhat dubious. But Hamilton and Madison did share at least enough of a common perspective to be willing to adopt a common pen name, and for purposes of this discussion, I will treat their work basically as one. It should be remembered, however, that these broad characterizations will sometimes apply more to one than the other.

A first central theme of THE FEDERALIST PAPERS is the importance of constitutionalism. The constitution is to be the supreme law of the land, and all other laws must fit within the overall constitutional framework. The constitution is deliberately designed to be difficult to change. The authors of THE FEDERALIST share a common distrust of temporary democratic majorities; the constitution is intended to provide a stabilizing structure protective of the rights of minorities. The relative rigidity of the constitutional structure has had numerous critics, from the date of its drafting to the present, but it seems to have served its basic (conservative) purpose of providing political stability.

A second major feature of the papers is their advocacy of republicanism. They are distrustful of direct democracy and defend instead the values of representation. Elected representatives, they feel, are likely to be both more expert and more dispassionate. Since the early national period, the rhetoric of democratic participation has become more common, but the reality of rule by an elective elite remains much as the authors of THE FEDERALIST envisioned it.

A third theme which the papers develop is the idea of "faction." A faction is what we tend to call today a special interest group. Madison felt that the tendency to form factions, partisan, self-interested segments of society, was the greatest threat to social and political stability. This tendency of social groups to unite and promote their own particular agenda is seen by the authors of the papers as something inherent in human nature. Opinions and interests will inevitably differ, and political conflict is consequently inevitable. Given this inherent tendency of groups to form into factions, how can government best be organized? One solution is to appeal, as Rousseau did, to some notion of the general will, "the common good," or "the public interest." The authors of THE FEDERALIST basically reject this communitarian approach, believing as they do that the rhetoric of "the public interest" tends to mask the inevitable pursuit of selfish, particular interests. The solution of the papers is basically that of modern, interest group liberalism. Safety for minorities lies in social pluralism. Government should be structured so that the different factions tend to check each other. This is especially likely in a system of complex, divided government like that which the constitution sets forth.

A fourth set of issues which THE FEDERALIST treats concerns the scope of government. The major point of the new constitution, of course, was to strengthen the national government. One of the arguments which Hamilton and Madison adduce in favor of strong national government is that it is less prone to the harmful effects of faction. A group or faction which can control a state or region will have a harder time dominating a whole nation. Generally speaking, the papers take the position that government needs to be strong and effective; the alternative is the Hobbesian state of nature. But while THE FEDERALIST advances arguments with a Hobbesian flavor in favor of strong central government, it also argues along more Lockean lines in favor of limited government. The simultaneous advancement of both of these positions is less paradoxical than it might at first seem. Government needs to be strong and effective within its appropriate sphere, but the dangers of despotism can be limited by restricting the scope of the issues over which the government acts. The papers defend a division of responsibility between state and national governments. Further, the scope of government activity seems inherently limited by the general political philosophy of the authors. For them, government seems basically designed to protect negative rights, especially property rights; a vision of government as a major source of welfare or income redistribution is alien to the philosophy of THE FEDERALIST.

A fifth theme the papers stress is the separation of powers. Federalism, the division of power between state and national governments, is one way of separating powers, in order to check and balance the various political forces at work in the system. THE FEDERALIST is also quite concerned with the separation of powers between the three main branches of the federal government. The major fear of the authors of the FEDERALIST is legislative tyranny. Since this is a concern also shared by Jefferson, it seems likely that in the colonial and the early national periods the legislature was indeed the most powerful branch. Much of the design of the constitution is intended to provide sufficient power to the other branches that they can check the legislature.

Hamilton, in particular, was an advocate of strong executive power. An active executive is necessary to the vigorous execution of the laws, and it can also serve to check the legislature. He also defends a strong, independent judiciary. In order to protect the constitution from the encroachment of subsequent laws, the courts need to have the power of judicial review and the power to strike down laws in conflict with the constitution. It is no coincidence that one of the most lasting legacies of the Federalist Party was the establishment of the principle of judicial review, most famously articulated by the Federalist Chief Justice, John Marshall.

The issues which the authors of THE FEDERALIST articulated with regard to the separation of powers are very much alive today. Today, there are many who feel that the powers of the executive and the courts have grown too strong and too unchecked; fears of "the imperial presidency" and of judicial activism are common. Still, THE FEDERALIST offers a classic defense of strong executive and judicial branches. And it remains a classic exposition of the American constitutional framework and a significant work of political theory.

JEFFERSON

Thomas Jefferson was Hamilton's great political as well as philosophical rival. His influence preceded Hamilton's, and he outlived him as a figure in American politics. Indeed, Jefferson probably had the longest active career among the leaders of his generation, as well as one of the most influential. He is known, of course, first and foremost as the primary author of the Declaration of Independence, a work which has been described as the "American scripture," and the writing of which another author has described as "inventing America." And after penning the Declaration, Jefferson would remain a major figure for over three decades, completing his second term as president in 1809. He is therefore, a vitally important figure in his own right, but he is also a useful figure with whom to contrast Hamilton, since the political and philosophical differences between the two did much to define the political struggles of the early Republic.

A first element of Jefferson's creed is egalitarianism. His most famous formulation of this principle is found in the words of the Declaration, "that all men are created equal." By contemporary standards, of course, Jefferson was not a radical egalitarian. But he believed in the equal moral dignity and equality before the law of all men, and these are still important ways in which the equality principle is formulated.

A second important aspect of Jefferson's thought is his contractualism. Government is said to derive its legitimate powers from the consent of the governed. Jefferson also articulated a theory of natural rights very similar to that found in Locke. Whereas Locke stressed the basic rights to life, liberty, and property, Jefferson emphasized life, liberty, and the pursuit of happiness. He also shared the basic Lockean framework of limited government. And while he also favored the new constitution, he was more concerned than Hamilton about limiting its scope and powers.

A third aspect of his thought might be referred to as his utilitarianism. The concern with human happiness establishes a parallel between his thought and Bentham's, though his more qualitative conception of happiness may make his conception more similar to Mill's. His departure from Locke is significant here, implying that property is only a means to securing happiness, which is the more fundamental good. This concern with practical human well-being is a harbinger of the long lasting strain of pragmatism which has run through American thought up until the present time.

Fourth, Jefferson was, among the founders, one of the strongest defenders of democracy. Whereas *THE FEDERALIST* can provide arguments with regard to the dangers of democracy, Jefferson is more concerned about the dangers of power not subject to democratic constraint. In the longstanding debate over "who will guard the guardians" Jefferson comes down in favor of popular sovereignty, albeit with protections for minority rights.

Among the most important of protections for rights is the idea of decentralization of power. Ironically enough, Jefferson is a stronger defender of what we would now call federalism than is Hamilton. Jefferson argued that the national government needed to be limited to its enumerated powers, a principle which many believed he violated when, as President, he agreed to the Louisiana Purchase.

A final aspect of Jefferson's thought is its individualism. Jefferson is a prototypical liberal in his emphasis on the rights and interests of individuals. The Jeffersonian language of individual rights remains central to contemporary American political discourse, and it remains controversial, especially with its communitarian critics.

DE TOCQUEVILLE

Alexis de Tocqueville was a French aristocrat who visited the United States in the early 1830s. The result of that visit was his two volume work, *DEMOCRACY IN AMERICA*, first published in 1835 and 1840. Although de Tocqueville was French, his book is widely considered the most insightful nineteenth century analysis of American society and its political institutions. De Tocqueville was basically a nineteenth century liberal, similar in many ways to the John Stuart Mill of *ON LIBERTY*. He was a sympathetic observer of American democracy, but was enough of an outsider, distinguished by both his nationality and his class, to maintain a critical vantage point. Today de Tocqueville is popular with a variety of groups. Conservatives and libertarians admire his critique of egalitarianism, while communitarians respect his sociological analyses.

De Tocqueville accepted as a first principle the inevitability of democracy. The passing of the old order involved certain losses, but de Tocqueville realized that this was inevitable. Democracy entails certain dangers, but it also has significant possibilities. De Tocqueville believed that the shaping of democratic institutions was within human control, that democracy could be either emancipatory or despotic.

Among the benefits of democracy is social equality. Economically, de Tocqueville was inclined to minimize the degree of income disparity in early nineteenth century America. He emphasized the rise of the middle class and found, even more importantly, that people tended to regard themselves as equals. Thus, one benefit of democracy is that it tends to fairly distribute what Rawls has called the basic good of self-respect. Another benefit of democracy which de Tocqueville perceived was its economic productivity and its resultant affluence. America, then as now, was a commercial civilization. The fruits of this civilization may be somewhat deficient from the perspective of high culture, but it has tended to generate and widely distribute great wealth.

A third benefit of democracy which de Tocqueville found is a tendency to be peaceful. Following in the tradition of Kant, de Tocqueville is an early proponent of what we now know as the democratic peace theory. In democratic culture, commercial concerns tend to displace the desire for military glory, with a resulting disinclination to fight wars. He also noted, however, that democratic armies would be an ongoing source of militarism and predicted that the wars fought by democracies, though less frequent, would be longer and more severe.

Despite its benefits, democracy, in de Tocqueville's view, presents a number of dangers. Perhaps the foremost among these is the tyranny of the majority. De Tocqueville observed the pervasive power of public opinion and saw in the undeviating commitment to majority rule a threat to liberty. Democracy also threatens liberty, in his view, because it tends towards the centralization of power. The dangers of despotism are compounded by the tendency, within a commercial culture, for public spirit to decline. De Tocqueville also feared what he saw as the narrow, possessive individualism of nineteenth century America.

One force which tended for de Tocqueville to alleviate some of these dangers is the pervasiveness of private voluntary associations. For de Tocqueville and his subsequent interpreters, these associations, ranging from political parties to private clubs, form the infrastructure of community. They help to limit excessive individualism and to fix people within their society. They are also, de Tocqueville thought, generally more effective than government at achieving their aims. One result of these perceptions is that de Tocqueville is one of the classic defenders of freedom of association.

Another important institution which de Tocqueville defends is the press. Free press is, for him, one of the key forces preserving liberty in democratic societies. He recognizes that the press can abuse its power but makes surprisingly contemporary arguments in favor of press freedom, noting that any restrictions on the press tend to snowball.

EMERSON

Ralph Waldo Emerson, born in 1803, is arguably the most significant of American thinkers. As an indigenous American living through the same period that de Tocqueville described, he provides an interesting and illuminating counterpoint to the Frenchman. Emerson published his first book in 1836. In 1841 and 1844, he published the first and second series of his famous essays, the most famous of which, "Self-Reliance," appeared in the 1841 volume.

Emerson is the great proponent of American individualism. He shared with de Tocqueville a concern that American society tended to produce excessive social conformity, and he was also somewhat skeptical with regard to its materialistic culture, but Emerson is considerably more optimistic with regard to the possibilities for individual self-reliance and self-realization.

Emerson's notions of self-reliance have been widely criticized, but understood in context they seem less controversial. According to George Kateb, one of Emerson's leading contemporary defenders, Emersonian individualism is basically non-egoistic. It is concerned with self-cultivation and self-expression, rather than with self-aggrandizement. The call for self-reliance is basically an appeal to the value of individual moral integrity, following one's own conscience or inner light. Emerson also stresses the importance of discovering one's true vocation. According to him, it is by individuals discovering and developing their most distinctive qualities that overall social welfare is best promoted.

Emersonian individualism, Kateb also insists, is innately democratic. Self-reliance is a prescription for, and a possibility available to, all. It has as its background the American sense of living in a society of equals. This kind of democratic individualism stands in contrast to the more aristocratic individualism which Kateb finds displayed in Nietzsche and Heidegger.

Though Emerson may be a democrat in his sense of the intrinsic worth of all persons, he is a strong critic of politics of any sort. The engagement with political preoccupations is, for him, a distraction from self-cultivation and self-reliance. Emerson is a critic of political reformers and is even skeptical of institutions like charity. (His claim that charity undermines the self-reliance of its recipients is an early version of the welfare dependency thesis.) Emerson's anti-political stance, however, is not unqualified. He was a strong opponent of slavery and believed that the Civil War, however much it may have damaged individualism, was a necessary evil.

In terms of his positive political theory, Emerson was basically a classic liberal (a position we now tend to identify as libertarian). He was a defender of rights, including property rights, and an exponent of limited government.

One of the ways in which Emerson's influence has been most long-lasting has been through the subsequent philosophy of American pragmatism. Pragmatism is a philosophical tradition associated with William James and John Dewey; its leading contemporary exponent is probably Richard Rorty. Cornel West sees Emerson as the seminal American pragmatist. One way in which his thought is pragmatic is in its willingness to live with inconsistencies. He entertains, at different times, a wide variety of perspectives. Generally a critic of politics, he still accepts the necessity of political action under certain circumstances. He rejects what we would now call a "totalizing" philosophical position. His view of values is pluralistic.

THOREAU

Henry David Thoreau was Emerson's younger friend and colleague. His thought parallels but in many ways radicalizes Emerson's. Though Emerson preached individualism and self-reliance, Thoreau is the one who actually went to live alone in the woods at Walden Pond. Emerson is an urbane individualist; Thoreau is far more authentically "rugged," far rougher around the edges and much more attuned to actually living in and with the wild. Thoreau's first book, *A WEEK ON THE CONCORD AND MERRIMACK RIVERS*, was published in 1849, the same year in which he issued his famous essay on civil disobedience. *WALDEN*, his most famous work, was published in 1854.

Thoreau's theory of civil disobedience is his most significant contribution to political thought; it has therefore been given emphasis in the section on Thoreau. Thoreau begins by stressing the primacy of individual conscience. A true respect for one's own moral principles, he believes, will sometimes require disobedience to laws which one thinks to be unjust. For the most part, this disobedience seems passive rather than active, it is a refusal of assent, a refusal of compliance, rather than a more aggressive flaunting of the law (although Thoreau does not explicitly rule this out). Thoreau was particularly incensed by the North's complicity in the institution of Southern slavery. His most notable personal act of civil disobedience was the refusal to pay taxes which helped pay for the apprehension and repatriation of Southern slaves. Thoreau spent a night in jail because of this refusal before Emerson (characteristically) paid the tax for him.

Thoreau believes that acts of individual conscience can have a strong effect of moral persuasion, hence the effectiveness of civil disobedience. His is, of course, an essentially individualistic theory; government and democratic decision making are subordinated to the individual conscience within his theory.

More broadly, Thoreau has a general critique of government which parallels Emerson's. That government is said to be best which governs least, and preoccupation with political reform is seen as a distraction from the actual living of one's own life. Again, though, this disdain for politics as usual is qualified by Thoreau's refusal to be complicit in what he sees as governmentally sanctioned (or sponsored) evil.

Thoreau is also a critic of American materialism. The first section of *WALDEN* is titled "Economy," and it is a demonstration of how little one actually needs materially to support oneself. In contrast to the independence which Thoreau associated with his voluntary poverty, the mass of men are said to "lead lives of quiet desperation," because they are enslaved by their possessions.

One strand of Thoreau's influence has been based on his ideas about civil disobedience; Gandhi, in particular, acknowledged them as an inspiration. Another major strand of influence, however, has been more indirect but is nonetheless profound: his impact on contemporary environmentalism. Thoreau offers an early version of an environmental ethic. He insists on the inspiring and regenerative powers of the natural world. In some ways, his thought here runs parallel to Rousseau's, but one senses that as a critic of civilization and a defender of "the wild" Thoreau is a good deal more authentic. He is also more willing to acknowledge the darker and more destructive sides of nature.

The twentieth century has been the age of mass politics. In the era of fascism and communism, the liberal thought of the eighteenth and nineteenth centuries, with which this volume is concerned, has tended to be neglected or even dismissed as fundamentally outdated. And the classic liberal emphasis on individualism and limited government has many contemporary critics: communitarians and multiculturalists, Marxists and feminists, even environmentalists. But the issues which these thinkers addressed, the individual versus the collectivity, individual rights versus the common good, limited government versus government as an active source of human welfare, are very much alive. Certainly they remain central issues in LD debate, and in the post-cold war world they may become even more salient.

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MPP6-001 SOME KIND OF AUTHORITY IS ESSENTIAL FOR SOCIAL ORDER

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.62

Nothing is more striking to a European traveller in the United States, than the absence of what we term the Government, or the Administration. Written laws exist in America, and one sees the daily execution of them; but although everything moves regularly, the mover can nowhere be discovered. The hand which directs the social machine is invisible. Nevertheless, as all persons must have recourse to certain grammatical forms, which are the foundation of human language, in order to express their thoughts; so all communities are obliged to secure their existence by submitting to a certain amount of authority, without which they fall into anarchy. This authority may be distributed in several ways, but it must always exist somewhere.

MPP6-002 VOLUNTARY ASSOCIATION CAN ACHIEVE BENEFITS OF ARISTOCRACY WITHOUT ITS DANGERS

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.308.

I firmly believe that an aristocracy cannot again be founded in the world; but I think that private citizens, by combining together, may constitute bodies of great wealth, influence, and strength, corresponding to the persons of an aristocracy. By this means, many of the greatest political advantages of aristocracy would be obtained, without its injustice or its dangers. An association for political, commercial, or manufacturing purposes, or even for those of science and literature, is a powerful and enlightened member of the community, which cannot be disposed of at pleasure, or oppressed without remonstrance; and which, by defending its own rights against the encroachments of the government, saves the common liberties of the country.

MPP6-003 CIVIL AND POLITICAL ASSOCIATION IS MUTUALLY REINFORCING

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.205-6.

Civil associations, therefore, facilitate political association; but, on the other hand, political association singularly strengthens and improves associations for civil purposes. In civil life, every man may, strictly speaking, fancy that he can provide for his own wants; in politics, he can fancy no such thing. When a people, then, have any knowledge of public life, the notion of association, and the wish to coalesce, present themselves every day to the minds of the whole community: whatever natural repugnance may restrain men from acting in concert, they will always be ready to combine for the sake of a party. Thus political life makes the love and practice of association more general; it imparts a desire of union, and teaches the means of combination to numbers of men who otherwise would have always lived apart.

MPP6-004 VOLUNTARY ASSOCIATION IS KEY TO PRESERVING CIVILIZATION

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.199.

Amongst democratic nations, on the contrary, all the citizens are independent and feeble; they can do hardly anything by themselves, and none of them can oblige his fellow-men to lend him their assistance. They all, therefore, become powerless, if they do not learn voluntarily to help each other. If men living in democratic countries had no right and no inclination to associate for political purposes, their independence would be in great jeopardy, but they might long preserve their wealth and their cultivation: whereas, if they never acquired the habit of forming associations in ordinary life, civilization itself would be endangered. A people amongst whom individuals should lose the power of achieving great things single-handed, without acquiring the means of producing them by united exertions, would soon relapse into barbarism.

MPP6-005 GOVERNMENT ACTION IN PLACE OF VOLUNTARY ASSOCIATION UNDERMINES MORALITY

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.200.

It is easy to foresee that the time is drawing near when man will be less and less able to produce, of himself alone, the commonest necessities of life. The task of the governing power will therefore perpetually increase, and its very efforts will extend it every day. The more it stands in the place of associations, the more will individuals, losing the notion of combining together, require its assistance: these are causes and effects which unceasingly create each other. Will the administration of the country ultimately assume the management of all the manufactures which no single citizen is able to carry on? And if a time at length arrives when, in consequence of the extreme subdivision of landed property, the soil is split into an infinite number of parcels, so that it can only be cultivated by companies of husbandmen, will it be necessary that the head of the government should leave the helm of state to follow the plough? The morals and the intelligence of a democratic people would be as much endangered as its business and manufactures, if the government ever wholly usurped the place of private companies.

MPP6-006 VOLUNTARY ASSOCIATION IS NECESSARY FOR DEMOCRATIC COMMUNITY

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.200.

Feelings and opinions are recruited, the heart is enlarged, and the human mind is developed, only by the reciprocal influence of men upon each other. I have shown that these influences are almost null in democratic countries; they must therefore be artificially created, and this can only be accomplished by associations.

MPP6-007 VOLUNTARY ASSOCIATION IS A NECESSARY CHECK ON GOVERNMENT TYRANNY

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.201.

No sooner does a government attempt to go beyond its political sphere, and to enter upon this new track, than it exercises, even unintentionally, an insupportable tyranny; for a government can only dictate strict rules, the opinions which it favors are rigidly enforced, and it is never easy to discriminate between its advice and its commands. Worst still will be the case, if the government really believes itself interested in preventing all circulation of ideas; it will then stand motionless and oppressed by the heaviness of voluntary torpor. Governments, therefore, should not be the only active powers: associations ought, in democratic nations, to stand in lieu of those powerful private individuals whom the equality of conditions has swept away.

MPP6-008 VOLUNTARY ASSOCIATION IS NECESSARY FOR PROGRESS

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.201-2.

Nothing, in my opinion, is more deserving of our attention than the intellectual and moral associations of America. The political and industrial associations of that country strike us forcibly; but the others elude our observation, or, if we discover them, we understand them imperfectly, because we have hardly ever seen anything of the kind. It must, however, be acknowledged, that they are as necessary to the American people as the former, and perhaps more so. In democratic countries, the science of association is the mother of science; the progress of all the rest depends upon the progress it has made. Amongst the laws which rule human societies there is one which seems to be more precise and clear than all others. If men are to remain civilized, or to become so, the art of associating together must grow and improve in the same ratio in which the equality of conditions is increased.

MPP6-009 PRIVATE VOLUNTARY ASSOCIATION HAS BEEN MOST SUCCESSFUL IN AMERICA

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.95.

In no country in the world has the principle of association been more successfully used, or applied to a greater multitude of objects, than in America. Besides the permanent associations, which are established by law, under the names of townships, cities, and counties, a vast number of others are formed and maintained by the agency of private individuals.

MPP6-010 ACTION THROUGH PRIVATE ASSOCIATION IS MORE EFFICIENT THAN GOVERNMENT

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.70.

To the European, a public officer represents a superior force: to an American, he represents a right. In America, then, it may be said that no one renders obedience to man, but to justice and to law. If the opinion which the citizen entertains of himself is exaggerated, it is at least salutary; he unhesitatingly confides in his own powers, which appear to him to be all sufficient. When a private individual meditates an undertaking, however directly connected it may be with the welfare of society, he never thinks of soliciting the co-operation of the government; but he publishes his plan, offers to execute it, courts the assistance of other individuals, and struggles man fully against all obstacles. Undoubtedly he is often less successful than the state might have been in his position; but in the end, the sum of these private undertakings far exceeds all that the government could have done.

MPP6-011 VOLUNTARY ASSOCIATION CAN PROTECT FROM ANARCHY AND OPPRESSION

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.32.

I can conceive of a society in which all men would feel an equal love and respect for the laws of which they consider themselves as the authors; in which the authority of the government would be respected as necessary, though not as divine; and in which the loyalty of the subject to the chief magistrate would not be a passion, but a quiet and rational persuasion. Every individual being in the possession of rights which he is sure to retain, a kind of manly confidence and reciprocal courtesy would arise between all classes, alike removed from pride and servility. The people, well acquainted with their own true interests, would understand that, in order to profit by the advantages of society, it is necessary to satisfy its requisitions. The voluntary association of the citizens might then take the place of the individual exertions of the nobles, and the community would be alike protected from anarchy and from oppression.

MPP6-012 LIMITATIONS ON VOLUNTARY ASSOCIATION SNOWBALL

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.207.

It is therefore chimerical to suppose that the spirit of association, when it is repressed on some one point, will nevertheless display the same vigor on all others; and that, if men be allowed to prosecute certain undertakings in common, that is quite enough for them eagerly to set about them. When the members of a community are allowed and accustomed to combine for all purposes, they will combine as readily for the lesser as for the more important ones; but if they are only allowed to combine for small affairs, they will be neither inclined nor able to effect it. It is in vain that you will leave them entirely free to prosecute their business on joint-stock account: they will hardly care to avail themselves of the rights you have granted to them; and, after having exhausted your strength in vain efforts to put down prohibited associations, you will be surprised that you cannot persuade men to form the associations you encourage.

MPP6-013 FREEDOM OF ASSOCIATION IS A NATURAL RIGHT

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.98.

The most natural privilege of man, next to the right of acting for himself, is that of combining his exertions with those of his fellow-creatures, and of acting in common with them. The right of association therefore appears to me almost as inalienable in its nature as the right of personal liberty. No legislator can attack it without impairing the foundations of society.

MPP6-014 FREEDOM OF ASSOCIATION REDUCES THE RISK OF CONSPIRACY

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.98.

It cannot be denied that the unrestrained liberty of association for political purposes is the privilege which a people is longest in learning how to exercise. If it does not throw the nation into anarchy, it perpetually augments the chances of that calamity. On one point, however, this perilous liberty offers a security against dangers of another kind; in countries where associations are free, secret societies are unknown. In America, there are factions, but no conspiracies.

MPP6-015 FREEDOM OF ASSOCIATION IS ESSENTIAL FOR DEMOCRATIC SOCIETIES

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.98.

There are no countries in which associations are more needed, to prevent the despotism of faction or the arbitrary power of a prince, than those which are democratically constituted. In aristocratic nations, the body of the nobles and the wealthy are in themselves natural associations, which check the abuses of power. In countries where such associations do not exist, if private individuals cannot create an artificial and temporary substitute for them, I can see no permanent protection against the most galling tyranny; and a great people may be oppressed with impunity by a small faction, or by a single individual. . . .

MPP6-016 FREEDOM OF ASSOCIATION CHECKS TYRANNY OF THE MAJORITY

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.97.

It must be acknowledged that the unrestrained liberty of political association has not hitherto produced, in the United States, the fatal results which might perhaps be expected from it elsewhere. The right of association was imported from England, and it has always existed in America; the exercise of this privilege is now incorporated with the manners and customs of the people. At the present time, the liberty of association has become a necessary guaranty against the tyranny of the majority. In the United States, as soon as a party has become dominant, all public authority passes into its hands: its private supporters occupy all the offices, and have all the force of the administration at their disposal. As the most distinguished members of the opposite party cannot surmount the barrier which excludes them from power, they must establish themselves outside of it, and oppose the whole moral, authority of the minority to the physical power which domineers over it. Thus a dangerous expedient is used to obviate a still more formidable danger.

MPP6-017 FREEDOM OF ASSOCIATION ULTIMATELY CONTRIBUTES TO STABILITY

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.208-9.

If a certain moment in the existence of a nation be selected, it is easy to prove that political associations perturb the state and paralyze productive industry; but take the whole life of a people and it may perhaps be easy to demonstrate, that freedom of association in political matters is favorable to the prosperity, and even to the tranquillity, of the community.

MPP6-018 FREEDOM OF ASSOCIATION DETERS REVOLUTION

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.208.

They bear, on the contrary, a natural good-will to civil associations, because they readily discover that, instead of directing the minds of the community to public affairs, these institutions serve to divert them from such reflections; and that, by engaging them more and more in the pursuit of objects which cannot be attained without public tranquillity, they deter them from revolutions. But these governments do not attend to the fact, that political associations tend amazingly to multiply and facilitate those of a civil character, and that, in avoiding a dangerous evil, they deprive themselves of an efficacious remedy.

MPP6-019 FREEDOM OF ASSOCIATION ULTIMATELY STRENGTHENS THE STATE

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.207.

This naturally leads me to think that freedom of association in political matters is not so dangerous to public tranquillity as is supposed; and that possibly, after having agitated society for some time, it may strengthen the state in the end.

MPP6-020 DEMOCRACY IS ESPECIALLY PRONE TO CENTRALIZATION

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.71.

I am also convinced, that democratic nations are most likely to fall beneath the yoke of a centralized administration, for several reasons, amongst which is the following. The constant tendency of these nations is to concentrate all the strength of the government in the hands of the only power which directly represents the people; because, beyond the people, nothing is to be perceived but a mass of equal individuals. But when the same power already has all the attributes of government, it can scarcely refrain from penetrating into the details of the administration, and an opportunity of doing so is sure to present itself in the long run, as was the case in France.

MPP6-021 DEMOCRACY PROMOTES STATISM

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.294.

This never-dying, ever-kindling hatred, which sets a democratic people against the smallest privileges, is peculiarly favorable to the gradual concentration of all political rights in the hands of the representative of the state alone. The sovereign, being necessarily and incontestably above the citizens, excites not their envy, and each of them thinks that he strips his equals of the prerogative which he concedes to the crown. The man of democratic age is extremely reluctant to obey his neighbor who is his equal; he refuses to acknowledge superior ability in such a person; he mistrusts his justice, and is jealous of his power; he fears and he condemns him; and he loves continually to remind him of the common dependence in which both of them stand to the same master.

MPP6-022 CENTRALIZED POWER THREATENS SOCIAL DESTRUCTION

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.65.

The want of a centralized government will not, then, as has often been asserted, prove the destruction of the republics of the New World; for from the American governments being not sufficiently centralized, I shall prove hereafter that they are too much so. The legislative bodies daily encroach upon the authority of the government, and their tendency, like that of the French Convention, is to appropriate it entirely to themselves. The social power thus centralized is constantly changing hands, because it is subordinate to the power of the people. It often forgets the maxims of wisdom and foresight in the consciousness of its strength. Hence arises its danger. Its vigor, and not its impotence, will probably be the cause of its ultimate destruction.

MPP6-023 CENTRALIZATION UNDERMINES THE DURABLE PROSPERITY OF A NATION

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.64.

Indeed, I cannot conceive that a nation can live and prosper without a powerful centralization of government, But I am of opinion that a centralized administration is fit only to enervate the nations in which it exists, by incessantly diminishing their local spirit. Although such an administration can bring together at a given moment, on a given point, all the disposable resources of a people, it injures the renewal of those resources. It may insure a victory in the hour of strife, but it gradually relaxes the sinews of strength. It may help admirably the transient greatness of a man, but not the durable prosperity of a nation.

MPP6-024 GOVERNMENTAL CENTRALIZATION ISN'T NECESSARILY MORE EFFICIENT

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.66.

The partisans of centralization in Europe are wont to maintain that the government can administer the affairs of each locality better than the citizens could do it for themselves: this may be true, when the central power is enlightened, and the local authorities are ignorant; when it is alert, and they are slow; when it is accustomed to act, and they to obey. Indeed, it is evident that this double tendency must augment with the increase of centralization, and that the readiness of the one and the incapacity of the others must become more and more prominent. But I deny that it is so, when the people are as enlightened, as awake to their interests, and as accustomed to reflect on them, as the Americans are. I am persuaded, on the contrary, that, in this case, the collective strength of the citizens will always conduce more efficaciously to the public welfare than the authority of the government.

MPP6-025 CENTRALIZED GOVERNMENT LEADS TO HABITS OF SUBMISSION

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.63.

It is evident that a centralized government acquires immense power when united to centralized administration. Thus combined, it accustoms men to set their own will habitually and completely aside; to submit, not only for once, or upon one point, but in every respect, and at all times. Not only, therefore, does this union of power subdue them compulsorily, but it affects their ordinary habits; it isolates them, and then influences each separately.

MPP6-026 CENTRALIZATION PRODUCES A STULTIFYING REGULARITY

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.66-7.

Centralization easily succeeds, indeed, in subjecting the external actions of men to a certain uniformity, which we come at last to love for its own sake, independently of the objects to which it is applied, like those devotees who worship the statue, and forget the deity it represents. Centralization imparts without difficulty an admirable regularity to the routine of business; provides skillfully for the details of the social police; represses small disorders and petty misdemeanors; maintains society in a status quo alike secure from improve and decline; and perpetuates a drowsy regularity in the conduct of affairs, which the heads of the administration are wont to call good order and public tranquillity; in short, it excels in prevention, but not in action. Its force deserts it, when society is to be profoundly moved, or accelerated in its course; and if once the co-operation of private citizens is necessary to the furtherance of its measures, the secret of its impotence is disclosed.

MPP6-027 CENTRALIZATION THREATENS LIBERTY

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.68.

Granting, for an instant, that the villages and counties of the United States would be more usefully governed by a central authority, which they had never seen, than by functionaries taken from among them, -- admitting, for the sake of argument, that there would be more security in America, and the resources of society would be better employed there, if the whole administration centred in a single arm, -- still the political advantages which the Americans derive from their decentralized system would induce me to prefer it to the contrary plan. It profits me but little, after all, that a vigilant authority always protects the tranquillity of my pleasures, and constantly averts all dangers from my path, without my care or concern, if this same authority is the absolute master of my liberty and my life, and if it so monopolizes movement and life, that when it languishes everything languishes around it, that when it sleeps everything must sleep, and that when it dies the state itself must perish.

MPP6-028 CENTRALIZED ADMINISTRATION IS THE GREATEST THREAT TO FREEDOM

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.122.

I have already pointed out the distinction between a centralized government and a centralized administration. The former exists in America, but the latter is nearly unknown there. If the directing power of the American communities had both these instruments of government at its disposal, and united the habit of executing its commands to the right of commanding; if, after having established the general principles of government, it descended to the details of their application; and if, having regulated the great interests of the country, it could descend to the circle of individual interests, freedom would soon be banished from the New World.

MPP6-029 DECENTRALIZED ADMINISTRATION CHECKS OPPRESSION

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.123.

When the central government which represents that majority has issued a decree, it must intrust the execution of its will to agents, over whom it frequently has no control, and whom it cannot perpetually direct. The townships, municipal bodies, and counties form so many concealed breakwaters, which check or part the tide of popular determination. If an oppressive law were passed, liberty would still be protected by the mode of executing that law; the majority cannot descend to the details and what may be called the puerilities of administrative tyranny. It does not even imagine that it can do so for it has not a full consciousness of its authority. It knows only the extent of its natural powers, but is unacquainted with the art of increasing them.

MPP6-030 OBEDIENCE TO UNJUST LAWS IS SLAVISH

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.114.

When I refuse to obey an unjust law, I do not contest the right of the majority to command, but I simply appeal from the sovereignty of the people to the sovereignty of mankind. Some have not feared to assert that a people can never out step the boundaries of justice and reason in those affairs which are peculiarly its own; and that consequently full power may be given to the majority by which they are represented. But this is the language of a slave.

MPP6-031 MAJORITIES CAN BE WRONG

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.114.

A majority taken collectively is only an individual, whose opinions, and frequently whose interests, are opposed to those of another individual, who is styled a minority. If it be admitted that a man possessing absolute power may misuse that power by wronging his adversaries, why should not a majority be liable to the same reproach? Men do not change their characters by uniting with each other; nor does their patience in the presence of obstacles increase with their strength. For my own part, I cannot believe it; the power to do everything, which I should refuse to one of my equals, I will never grant to any number of them.

MPP6-032 EQUALITY REDUCES CIVIL WAR

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.288.

The only case in which a civil war could arise is, if the army should divide itself into two factions, the one raising the standard of rebellion, the other remaining true to its allegiance. An army constitutes a small community, very closely united together, endowed with great powers of vitality, and able to supply its own wants for some time. Such a war might be bloody, but it could not be long; for either the rebellious army would gain over the government by the sole display of its resources, or by its first victory, and then the war would be over; or the struggle would take place, and then that portion of the army which should not be supported by the organized powers of the state would speedily either disband itself, or be destroyed. It may therefore be admitted as a general truth, that, in ages of equality, civil wars will become much less frequent and less protracted.

MPP6-033 DEMOCRACY DISCOURAGES CIVIL WAR

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.287.

Men living in democracies have not naturally the military spirit; they sometimes acquire it, when they have been dragged by compulsion to the field; but to rise in a body, and voluntarily to expose themselves to the horrors of war, and especially of civil war, is a course which the men of democracies are not apt to adopt. None but the most adventurous members of the community consent to run into such risks; the bulk of the population remain motionless.

MPP6-034 DEMOCRACY TENDS TO DISCOURAGE REVOLUTION

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.264-5.

Not only are the men of democracies not naturally desirous of revolutions, but they are afraid of them. All revolutions more or less threaten the tenure of property: but most of those who live in democratic countries are possessed of property; not only are they possessed of property, but they live in the condition where men set the greatest store upon their property.

MPP6-035 FOR TOCQUEVILLE, COMMUNITY IS KEY TO PROTECTING FREEDOM

Stephen Arons, Professor of Legal Studies, University of Massachusetts, *SHORT ROUTE TO CHAOS*, 1997, p.125.

Tocqueville thus put forward the idea that individual freedom and the maintenance of a diversity of communities are inseparable. They are dependent upon one another; and if either is weakened, both will be destroyed. Tocqueville's analysis of American democracy led him to conclude that freedom cannot depend only on the legal protection of individual rights it requires a multiplicity of functioning communities that bind together individuals and create local allegiances that are independent of the state. As long as citizens are voluntary participants in such communities and associations, he observed, they have a basis for continually regenerating the common values and shared beliefs, the empathy and trust, that protect them from isolation, alienation, and the excessive individualism that "saps the virtues of public life."

MPP6-036 FOR TOCQUEVILLE, LOSS OF COMMUNITY LEADS TO TYRANNY

Stephen Arons, Professor of Legal Studies, University of Massachusetts, *SHORT ROUTE TO CHAOS*, 1997, p.128.

Focusing on power, Tocqueville saw that the extreme consequence of loss of community is tyranny, the end of individual freedom. What made democracy successful in the America of 1830 was that the forces that pushed in the direction of extreme individualism were checked by equally powerful forces that drew Americans into numberless civil and political associations and voluntary communities. Without these communities the individual would stand naked before the power of the state.

MPP6-037 DEMOCRACIES TEND TOWARD THE UNION OF FREEDOM AND EQUALITY

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.189.

It is possible to imagine an extreme point at which freedom and equality would meet and be confounded together. Let us suppose that all the people take a part in the government, and that each one of them has an equal right to take a part in it. As no one is different from his fellows, none can exercise a tyrannical power; men will be perfectly free, because they are all entirely equal; and they will all be perfectly equal, because they are entirely free. To this ideal state democratic nations tend. This is the only complete form that equality can assume upon earth; but there are a thousand others which, without being equally perfect, are not less cherished by those nations.

MPP6-038 DEMOCRACY IS THE ONLY WAY OF PRESERVING FREEDOM IN THE MODERN WORLD

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.137.

In that case, the gradual growth of democratic manners and institutions should be regarded, not as the best, but as the only means of preserving freedom; and, without liking the government of democracy, it might be adopted as the most applicable, and the fairest remedy for the present ills of society.

MPP6-039 THE ONLY CONTEMPORARY ALTERNATIVE TO DEMOCRACY IS EXTREME AUTHORITARIANISM
Alexis de Tocqueville, DEMOCRACY IN AMERICA, PART ONE, 1835, Richard Hafner, ed., 1956, p.137-8.

But I am of opinion that, if we do not succeed in gradually introducing democratic institutions into France; if we despair of imparting to all the citizens those ideas and sentiments which first prepare them for freedom, and afterwards allow them to enjoy it, -- there will be no independence at all, either for the middling classes or the nobility, for the poor or for the rich, but an equal tyranny over all; and I foresee that, if the peaceable dominion of the majority be not founded amongst us in time, we shall sooner or later fall under the unlimited authority of a single man.

MPP6-040 DEMOCRACY CONTRIBUTES TO ENLIGHTENMENT AND SELF-RESPECT

Alexis de Tocqueville, DEMOCRACY IN AMERICA, PART ONE, 1835, Richard Hafner, ed., 1956, p.110.

The humblest individual who co-operates in the government of society acquires a certain degree of self-respect; and as he possesses authority, he can command the services of minds more enlightened than his own. He is canvassed by a multitude of applicants, and, in seeking to deceive him in a thousand ways, they really enlighten him. He takes a part in political undertakings which he did not originate, but which give him a taste for undertakings of the kind. New improvements are daily pointed out to him in the common property, and this gives him the desire of improving that property which is his own. He is perhaps neither happier nor better than those who came before him, but he is better informed and more active.

MPP6-041 DEMOCRACY CONTRIBUTES TO PROSPERITY
Alexis de Tocqueville, DEMOCRACY IN AMERICA, PART ONE, 1835, Richard Hafner, ed., 1956, p.110.

I have no doubt that the democratic institutions of the United States, joined to the physical constitution of the country, are the cause (not the direct, as is so often asserted, but the indirect cause) of the prodigious commercial activity of the inhabitants. It is not created by the laws, but the people learn how to promote it by the experience derived from legislation.

MPP6-042 DEMOCRACY IS INEFFICIENT BUT HIGHLY PRODUCTIVE

Alexis de Tocqueville, DEMOCRACY IN AMERICA, PART ONE, 1835, Richard Hafner, ed., 1956, p.110.

Democratic liberty is far from accomplishing all its projects with the skill of an adroit despotism. It frequently abandons them before they have borne their fruits, or risks them the consequences may be dangerous; but in the end, it produces more than any absolute government; if it does fewer things well, it does a greater number of things. Under its sway, the grandeur is not in what the public administration does, but in what is done without it or outside of it. Democracy does not give the people the most skilful government, but it produces what the ablest governments are frequently unable to create; namely, an all-pervading and restless activity, a superabundant force, and an energy which is inseparable from it, and which may, however unfavorable circumstances may be, produce wonders. These are the true advantages of democracy.

MPP6-043 DEMOCRACY BEST PROMOTES GENERAL WELL-BEING

Alexis de Tocqueville, DEMOCRACY IN AMERICA, PART ONE, 1835, Richard Hafner, ed., 1956, p.111.

But if you hold it expedient to divert the moral and intellectual activity of man to the production of comfort, and the promotion of general well-being; if a clear understanding be more profitable to man than genius; if your object be not to stimulate the virtues of heroism, but the habits of peace; if you had rather witness vices than crimes, and are content to meet with fewer noble deeds, provided offences be diminished in the same proportion; if, instead of living in the midst of a brilliant society, you are contented to have prosperity around you; if, in short, you are of opinion that the principal object of a government is not to confer the greatest possible power and glory upon the body of the nation, but to insure the greatest enjoyment, and to avoid the most misery, to each of the individuals who comprise it, -- if such be your desire, then equalize the conditions of men, and establish democratic institutions.

MPP6-044 IN DEMOCRACIES EVEN LESS SKILLED OFFICIALS PROMOTE THE PUBLIC GOOD

Alexis de Tocqueville, DEMOCRACY IN AMERICA, PART ONE, 1835, Richard Hafner, ed., 1956, p.102.

In the United States, where the public officers have no class-interests to promote, the general and constant influence of the government is beneficial, although the individuals who conduct it are frequently unskilled, and sometimes contemptible. There is, indeed, a secret tendency in democratic institutions, which makes the exertions of the citizens subservient to the prosperity of the community, in spite of their vices and mistakes; whilst in aristocratic institutions, there is a secret bias, which, notwithstanding the talents and virtues of those who conduct the government, leads them to contribute to the evils which oppress their fellow-creatures. In aristocratic governments, public men may frequently do harm without intending it; and in democratic states, they bring about good results which they never thought of.

MPP6-045 DEMOCRATIC LAWS SATISFY UTILITARIAN CRITERIA

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.101.

Democratic laws generally tend to promote the welfare of the greatest possible number; for they emanate from the majority of the citizens, who are subject to error, but who cannot have an interest opposed to their own advantage. The laws of an aristocracy tend, on the contrary, to concentrate wealth and power in the hands of the minority; because an aristocracy, by its very nature, constitutes a minority. It may therefore be asserted, as a general proposition, that the purpose of a democracy in its legislation is more useful to humanity than that of an aristocracy. This is, however, the sum total of its advantages.

MPP6-046 DEMOCRACY DOESN'T LEAD TO EXCESSIVE UNIFORMITY

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.247.

It might be supposed that the final and necessary effect of democratic institutions would be to confound together all the members of the community in private as well as in public life, and to compel them all to live alike; but this would be to ascribe a very coarse and oppressive form to the equality which originates in democracy. No state of society or laws can render men so much alike, but that education, fortune, and tastes will interpose some differences between them; and, though different men may sometimes find it their interest to combine for the same purposes, they will never make it their pleasure.

MPP6-047 DEMOCRACY IS HIGHLY INEFFICIENT

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.101-2.

Aristocracies are infinitely more expert in the science of legislation than democracies ever can be. They are possessed of a self-control which protects them from the errors of temporary excitement; and they form far-reaching designs, which they know how to mature till a favorable opportunity arrives. Aristocratic government proceeds with the dexterity of art; it understands how to make the collective force of all its laws converge at the same time to a given point. Such is not the case with democracies, whose laws are almost always ineffective or inopportune. The means of democracy are therefore more imperfect than those of aristocracy, and the measures which it unwittingly adopts are frequently opposed to its own cause; but the object it has in view is more useful. . . .

MPP6-048 DEMOCRACY FAILS TO ADVANCE THE ELEVATED VIRTUES

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.111.

We must first understand what is wanted of society and its government. Do you wish to give a certain elevation to the human mind, and teach it to regard the things of this world with generous feelings, to inspire men with a scorn of mere temporal advantages, to form and nourish strong convictions, and keep alive the spirit of honorable devotedness? Is it your object to refine the habits, embellish the manners, and cultivate the arts, to promote the love of poetry, beauty, and glory? Would you constitute a people fitted to act powerfully upon all other nations, and prepared for those high enterprises which, whatever be their results, will leave a name forever famous in history? If you believe such to be the principal object of society, avoid the government of the democracy, for it would not lead you with certainty to the goal.

MPP6-049 AMERICAN DEMOCRACY HAS TOO FEW CHECKS AGAINST TYRANNY

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.115.

In my opinion, the main evil of the present democratic institutions of the United States does not arise, as is often asserted in Europe, from their weakness, but from their irresistible strength. I am not so much alarmed at the excessive liberty which reigns in that country, as at the inadequate securities which one finds there against tyranny.

MPP6-050 DEMOCRACY MAKES DESPOTISM EASIER TO ATTAIN

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.300-1.

A revolution which overthrows an ancient regal family in order to place new men at the head of a democratic people may temporarily weaken the central power; but, however anarchical such a revolution may appear at first, we need not hesitate to predict that its final and certain consequence will be to extend and to secure the prerogatives of that power. The foremost, or indeed the sole condition, which is required in order to succeed in centralizing the supreme power in a democratic community, is to love equality, or to get men to believe you love it. Thus, the science of despotism, which was once so complex, is simplified, and reduced, as it were, to a single principle.

MPP6-051 DEMOCRATIC DESPOTISM TENDS TO BE Milder BUT MORE Pervasive

Alexis de Tocqueville, DEMOCRACY IN AMERICA, PART TWO, 1840, Richard Hafner, ed., 1956, p.302.

It would seem that, if despotism were to be established amongst the democratic nations of our days, it might assume a different character; it would be more extensive and more mild; it would degrade men without tormenting them. I do not question, that, in an age of instruction and equality like our own, sovereigns might more easily succeed in collecting all political power into their own hands, and might interfere more habitually and decidedly with the circle of private interests, than any sovereign of antiquity could ever do. But this same principle of equality which facilitates despotism, tempers its rigor. We have seen how the manners of society become more humane and gentle, in proportion as men become more equal and alike. When no member of the community has much power or much wealth, tyranny is, as it were, without opportunities and a field of action. As all fortunes are scanty, the passions of men are naturally circumscribed, their imagination moderates the sovereign himself, and checks within certain limits the inordinate stretch of his desires.

MPP6-052 DEMOCRACY CAN BECOME ELECTIVE DESPOTISM

Alexis de Tocqueville, DEMOCRACY IN AMERICA, PART TWO, 1840, Richard Hafner, ed., 1956, p.304.

Our contemporaries are constantly excited by two conflicting passions; they want to be led, and they wish to remain free: as they cannot destroy either the one or the other of these contrary propensities, they strive to satisfy them both at once. They devise a sole, tutelary, and all-powerful form of government, but elected by the people. They combine the principle of centralization and that of popular sovereignty; this gives them a respite: they console themselves for being in tutelage by the reflection that they have chosen their own guardians. Every man allows himself to be put in leading-strings, because he sees that it is not a person or a class of persons but the people at large, who hold the end of his chain. By this system, the people shake off their state of dependence just long enough to select their master, and then relapse into it again. A great many persons at the present day are quite contented with this sort of compromise between administrative despotism and the sovereignty of the people; and they think they have done enough for the protection of individual freedom when they have surrendered it to the power of the nation at large. This does not satisfy me: the nature of him I am to obey signifies less to me than the fact of extorted obedience.

MPP6-053 DEMOCRACY MAKES DESPOTISM EASIER TO ATTAIN

Alexis de Tocqueville, DEMOCRACY IN AMERICA, PART TWO, 1840, Richard Hafner, ed., 1956, p.306.

I believe that it is easier to establish an absolute and despotic government amongst a people in which the conditions of society are equal, than amongst any other; and I think that, if such a government were once established amongst such a people, it would not only oppress men, but would eventually strip each of them of several of the highest qualities of humanity. Despotism, therefore, appears to me peculiarly to be dreaded in democratic times. I should have loved freedom, I believe, at all times, but in the time in which we live I am ready to worship it.

MPP6-054 DEMOCRATIZATION IS INEVITABLE BUT NOT ITS SHAPE

Alexis de Tocqueville, DEMOCRACY IN AMERICA, PART ONE, 1835, Richard Hafner, ed., 1956, p.29-30.

If the men of our time should be convinced, by attentive observation and sincere reflection, that the gradual and progressive development of social equality is at once the past and the future of their history, this discovery alone would confer the sacred character of a Divine decree upon the change. To attempt to check democracy would be in that case to resist the will of God; and the nations would then be constrained to make the best of the social lot awarded to them by Providence. The Christian nations of our day seem to me to present a most alarming spectacle; the movement which impels them is already so strong that it cannot be stopped, but it is not yet so rapid that it cannot be guided. Their fate is still in their own hands; yet a little while, and it may be so no longer. The first of the duties which are at this time imposed upon those who direct our affairs, is to educate the democracy; to renovate, if possible, its religious belief; to purify its morals; to regulate its movements; to substitute by degrees a knowledge of business for its inexperience, and an acquaintance with its true interests for its blind instincts; to adapt its government to time and place, and to make it conform to the occurrences and the men of the times. A new science of politics is needed for a new world.

MPP6-055 DEMOCRACY MUST BE IMPROVED, NOT REJECTED

Alexis de Tocqueville, DEMOCRACY IN AMERICA, PART TWO, 1840, Richard Hafner, ed., 1956, p.306.

On the other hand, I am persuaded that all who shall attempt, in the ages upon which we are entering, to base freedom upon aristocratic privilege, will fail; that all who shall attempt to draw and to retain authority within a single class, will fail. At the present day, no ruler is skilful or strong enough to found a despotism by re-establishing permanent distinctions of rank amongst his subjects: no legislator is wise or powerful enough to preserve free institutions, if he does not take equality for his first principle and his watchword. All of our contemporaries who would establish or secure the independence and the dignity of their fellow-men, must show themselves the friends of equality; and the only worthy means of showing themselves as such is to be so: upon this depends the success of their holy enterprise. Thus, the question is not how to reconstruct aristocratic society, but how to make liberty proceed out of that democratic state of society in which God has placed us.

MPP6-056 PUBLIC EDUCATION IS A CENTRAL ASPECT OF AMERICAN CIVILIZATION

Alexis de Tocqueville, DEMOCRACY IN AMERICA, PART ONE, 1835, Richard Hafner, ed., 1956, p.46-7.

But it is by the mandates relating to Public Education that the original character of American civilization is at once placed in the clearest light. "It being," says the law, "one chief project of that old deluder, Satan, to keep men from the knowledge of the Scripture by persuading them from the use of tongues, to the end that learning may not be buried in the graves of our forefathers, in church and commonwealth, the Lord assisting our endeavors." Here follow clauses establishing schools in every township, and obliging the inhabitants, under pain of heavy fines, to support them. Schools of a superior kind were founded in the same manner in the more populous districts. The municipal authorities were bound to enforce the sending of children to school by their parents; they were empowered to inflict fines upon all who refused compliance; and in cases of continued resistance, society assumed the place of the parent, took possession of the child, and deprived the father (if those natural rights which he used to so bad a purpose. The reader will undoubtedly have remarked the preamble of these enactments: in America, religion is the road to knowledge, and the observance of the divine laws leads man to civil freedom.

MPP6-057 UNDER DEMOCRACY, EDUCATION IS ESPECIALLY KEY TO CHECKING TYRANNY

Alexis de Tocqueville, DEMOCRACY IN AMERICA, PART TWO, 1840, Richard Hafner, ed., 1956, p.298.

If education enables men at all times to defend their independence, this is most especially true in democratic times. When all men are alike, it is easy to found a sole and all-powerful government by the aid of mere instinct. But men require much intelligence, knowledge, and art to organize and to maintain secondary powers under similar circumstances, and to create, amidst the independence and individual weakness of the citizens, such free associations as may be able to struggle against tyranny without destroying public order.

MPP6-058 EQUALITY IS THE RULING PASSION OF DEMOCRACY

Alexis de Tocqueville, DEMOCRACY IN AMERICA, PART TWO, 1840, Richard Hafner, ed., 1956, p.190.

Freedom has appeared in the world at different times and under various forms; it has not been exclusively bound to any social condition, and it is not confined to democracies. Freedom cannot, therefore, form the distinguishing characteristic of democratic ages. The peculiar and preponderating fact which marks those ages as its own is the equality of condition; the ruling passion of men in those periods is the love of this equality. Ask not what singular charm the men of democratic ages find in being equal, or what special reasons they may have for clinging so tenaciously to equality rather than to the other advantages which society holds out to them: equality is the distinguishing characteristic of the age they live in; that, of itself, is enough to explain that they prefer it to all the rest.

MPP6-059 DEMOCRACY TENDS TOWARDS ECONOMIC EQUALITY

Alexis de Tocqueville, DEMOCRACY IN AMERICA, PART TWO, 1840, Richard Hafner, ed., 1956, p.227.

I think that, upon the whole, it may be asserted that a slow and gradual rise of wages is one of the general laws of democratic communities. In proportion as social conditions become more equal, wages rise; and as wages are higher, social conditions become more equal.

MPP6-060 EQUALITY ENCOURAGES POLITICAL FREEDOM

Alexis de Tocqueville, DEMOCRACY IN AMERICA, PART TWO, 1840, Richard Hafner, ed., 1956, p.289.

The principle of equality, which makes men independent of each other, gives them a habit and a taste for following, in their private actions, no other guide than their own will. This complete independence, which they constantly enjoy in regard to their equals and in the intercourse of private life, tends to make them look upon all authority with a jealous eye, and speedily suggests to them the notion and the love of political freedom. Men living at such times have a natural bias to free institutions. Take any one of them at a venture, and search if you can his most deep-seated instincts; and you will find that, of all governments, he will soonest conceive and most highly value that government whose head he has himself elected, and whose administration he may control.

MPP6-061 TOCQUEVILLE SAW AMERICAN CONCENTRATIONS OF WEALTH AS NOT POLARIZING

Richard Hafner, introduction to Alexis de Tocqueville, DEMOCRACY IN AMERICA, 1956, p.17.

About Americans' economic pursuits, too, Tocqueville made many wise observations: about Americans' intense love of wealth, their growing preference for commerce and industry, over agriculture, their potential for vast material success; Americans make progress in industry, he wrote, because of their enormous ambition and their almost single-minded devotion to profitable activity. Besides, great fortunes were still to be made; and Tocqueville foresaw the rise of a ruthless industrial aristocracy -- the "Robber Barons" of the late 19th century. Yet here Tocqueville perceived a fundamental contradiction in the American economy that its later Marxist critics could never really grasp: that while the "manufacturing aristocracy which is growing up under our eyes is one of the harshest that ever existed in the world . . . at the same time it is one of the most confined and least dangerous." This, because its wealth was not exclusive, its success not accompanied by the extremes of widespread poverty, nor by the polarization of society into only the very rich and the very poor.

MPP6-062 TOCQUEVILLE SAW EQUALITY AS A THREAT TO LIBERTY

Richard Hafner, introduction to Alexis de Tocqueville, DEMOCRACY IN AMERICA, 1956, p.11.

No one would deny that in the Jackson era Americans had ruthlessly swept away even the trappings of privilege and presumption, and had substituted the rule of the many for the rule of the few. But had equalitarianism and majority rule proved to be unmixed blessings? Tocqueville thought not. Indeed, what he had seen of the leveling doctrines that pervaded every area of national life led him to question whether Americans' liberties, whether Americans' older concern for individual differences and freedom, could, actually long survive their new penchant for equality and democracy. For as conditions became more equal, Americans seemed more and more to take pride not in their individuality, in their personal liberties, in their freedom, but rather in their sameness. So that, as Tocqueville wrote: ". . . every citizen, being assimilated to all the rest, is lost in the crowd, and nothing stands conspicuous but the great and imposing image of the people at large."

MPP6-063 EQUALITY SNOWBALLS FROM ONE ASPECT OF LIFE TO ANOTHER

Alexis de Tocqueville, DEMOCRACY IN AMERICA, PART ONE, 1835, Richard Hafner, ed., 1956, p.54.

The political consequences of such a social condition as this are easily deducible. It is impossible to believe that equality will not eventually find its way into the political world, as it does everywhere else. To conceive of men remaining forever unequal upon a single point, yet equal on all others, is impossible; they must come in the end to be equal upon all.

MPP6-064 EQUALITY ENCOURAGES EGOISM AND MATERIALISM

Alexis de Tocqueville, DEMOCRACY IN AMERICA, PART TWO, 1840, Richard Hafner, ed., 1956, p.152.

It must be acknowledged that equality, which brings great benefits into the world, nevertheless suggests to men (as will be shown hereafter) some very dangerous propensities. It tends to isolate them from each other, to concentrate every man's attention upon himself; and it lays open the soul to an inordinate love of material gratification.

MPP6-065 EQUALITY THREATENS LIBERTY OF THE MIND

Alexis de Tocqueville, DEMOCRACY IN AMERICA, PART TWO, 1840, Richard Hafner, ed., 1956, p.149.

In the principle of equality I very clearly discern two tendencies; the one leading the mind of every man to untried thoughts, the other which would prohibit him from thinking at all. And I perceive how, under the dominion of certain laws, democracy would extinguish that liberty of the mind to which a democratic social condition is favorable; so that, after having broken all the bondage once imposed on it by ranks or by men, the human mind would be closely fettered to the general will of the greatest number.

MPP6-066 EQUALITY LEADS TO DISABLING MATERIALISM

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.213.

The reproach I address to the principle of equality is not that it leads men away in the pursuit of forbidden enjoyments, but that it absorbs them wholly in quest of those which are allowed. By these means, a kind of virtuous materialism may ultimately be established in the world, which would not corrupt, but enervate, the soul, and noiselessly unbend its springs of action.

MPP6-067 EQUALITY ENCOURAGES CENTRALIZATION OF POWER

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.293.

If it be true that, in ages of equality, men readily adopt the notion of a great central power, it cannot be doubted, on the other hand, that their habits and sentiments predispose them to recognize such a power, and to give it their support. This may be demonstrated in a few words, as the greater part of the reasons to which the fact may be attributed have been previously stated.

MPP6-068 EQUALITY TENDS TO SUBORDINATE THE RIGHTS OF INDIVIDUALS

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.291.

As the conditions of men become equal amongst a people, individuals seem of less, and society of greater importance; or rather, every citizen, being assimilated to all the rest, is lost in the crowd, and nothing stands conspicuous but the great and imposing image of the people at large. This naturally gives the men of democratic periods a lofty opinion of the privileges of society, and a very humble notion of the rights of individuals; they are ready to admit that the interests of the former are everything, and those of the latter nothing. They are willing to acknowledge that the power which represents the community has far more information and wisdom than any of the members of that community; and that it is the duty, as well as the right, of that power, to guide as well as govern each private citizen.

MPP6-069 THE PASSION FOR EQUALITY CAN BE EITHER NOBLE OR BASE

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.54-5.

There is, in fact, a manly and lawful passion for equality which incites men to wish all to be powerful and honored. This passion tends to elevate the humble to the rank of the great; but there exists also in the human heart a depraved taste for equality, which impels the weak to attempt to lower the powerful to their own level, and reduces men to prefer equality in slavery to inequality with freedom. Not that those nations whose social condition is democratic naturally despise liberty; on the contrary, they have an instinctive love of it. But liberty is not the chief and constant object of their desires; equality is their idol: they, make rapid and sudden efforts to obtain liberty, and, if they miss their aim, resign themselves to their disappointment; but nothing can satisfy them without equality, and they would rather perish than lose it.

MPP6-070 MAKING EQUALITY BENIGN OR PERNICIOUS IS WITHIN HUMAN CONTROL

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.317.

I am aware that many of my contemporaries maintain that nations are never their own masters here below, and that they necessarily obey some insurmountable and unintelligent power, arising from anterior events, from their race, or from the soil and climate of their country. Such principles are false and cowardly; such principles can never produce aught but feeble men and pusillanimous nations. Providence has not created mankind entirely independent or entirely free. It is true, that around every man a fatal circle is traced, beyond which he cannot pass; but within the wide verge of that circle he is powerful and free: as it is with man, so with communities. The nations of our time cannot prevent the conditions of men from becoming equal; but it depends upon themselves whether the principle of equality is to lead them to servitude or freedom, to knowledge or barbarism, to prosperity or wretchedness.

MPP6-071 EQUALITY IS THE LONG TERM TREND OF HUMAN SOCIETY

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.29.

Nor is this peculiar to France. Whithersoever we turn our eyes, we perceive the same revolution going on throughout the Christian world. The various occurrences of national existence have everywhere turned to the advantage of democracy: all men have aided it by their exertions, both those who have intentionally labored in its cause, and those who have served it unwittingly; those who have fought for it, and those who have declared themselves its opponents, have all been driven along in the same track, have all labored to one end; some ignorantly and some unwillingly, all have been blind instruments in the hands of God. The gradual development of the principle of equality is, therefore, a Providential fact. It has all the chief characteristics of such a fact: it is universal, it is durable, it constantly eludes human interference, and all events as well as all men contribute to its progress.

MPP6-072 FEDERALISM PERMITS ADAPTATION TO LOCAL CONDITIONS

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.93-4.

The Federal system was created with the intention of combining the different advantages which result from the magnitude and the littleness of nations; and a glance at the United States of America discovers the advantages which they have derived from its adoption. In great centralized nations, the legislator is obliged to give a character of uniformity to the laws, which does not always suit the diversity of customs and of districts; as he takes no cognizance of special cases, he can only proceed upon general principles; and the population are obliged to conform to the exigencies of the legislation, since the legislation cannot adapt itself to the exigencies and the customs of the population; which is a great cause of trouble and misery. This disadvantage does not exist in confederations; Congress regulates the principal measures of the national government; and all the details of the administration are reserved to the provincial legislatures. One can hardly imagine how much this division of sovereignty contributes to the well-being of each of the States which compose the Union.

MPP6-073 FEDERALISM PROTECTS AMERICAN LIBERTY

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.85.

On the other hand, if the temper and the manners of the inhabitants especially fitted them to promote the welfare of a great republic, the federal system renders their task less difficult. The confederation of all the American States presents none of the ordinary inconveniences resulting from great agglomerations of men. The Union is a great republic in extent, but the paucity of objects for which its government acts assimilates it to a small State. Its acts are important, but they are rare. As the sovereignty of the Union is limited and incomplete, its exercise is not dangerous to liberty; for it does not excite those insatiable desires of fame and power which have proved so fatal to great republics. As there is no common centre to the country, great capital cities, colossal wealth, abject poverty, and sudden revolutions are alike unknown; and political passion, instead of spreading over the land like a fire on the prairies, spends its strength against the interests and the individual passions of every State.

MPP6-074 THE EXTENT OF FOREIGN ENTANGLEMENT IS THE KEY DETERMINANT OF EXECUTIVE POWER

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.80-1.

If the executive government is feebler in America than in France, the cause is perhaps more attributable to the circumstances than to the laws of the country. It is chiefly in its foreign relations that the executive power of a nation finds occasion to exert its skill and its strength. If the existence of the Union were perpetually threatened, if its chief interests were in daily connection with those of other powerful nations, the executive government would assume an increased importance in proportion to the measures expected of it, and to those which it would execute. The President of the United States, it is true, is the commander-in-chief of the army, but the army is composed of only six thousand men; he commands the fleet, but the fleet reckons but few sail; he conducts the foreign relations of the Union, but the United States are a nation without neighbors. Separated from the rest of the world by the ocean, and too weak as yet to aim at the dominion of the seas, they have no enemies, and their interests rarely come into contact with those of any other nation of the globe. This proves that the practical operation of the government must not be judged by the theory of its constitution. The President of the United States possesses almost royal prerogatives, which he has no opportunity of exercising, and the privileges which he can at present use are very circumscribed. The laws allow him to be strong, but circumstances keep him weak.

MPP6-075 DEMOCRACY ENCOURAGES INDIVIDUAL ISOLATION

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.194.

As social conditions become more equal, the number of persons increases who, although they are neither rich nor powerful enough to exercise any great influence over their fellows, have nevertheless acquired or retained sufficient education and fortune to satisfy their own wants. They owe nothing to any man, they expect nothing from any man; they acquire the habit of always considering themselves as standing alone, and they are apt to imagine that their whole destiny is in their own hands. Thus, not only does democracy make every man forget his ancestors, but it hides his descendants and separates his contemporaries from him; it throws him back forever upon himself alone, and threatens in the end to confine him entirely within the solitude of his own heart.

MPP6-076 INDIVIDUALISM LEADS TO SOCIAL ISOLATION

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.193.

Individualism is a mature and calm feeling, which disposes each member of the community to sever himself from the mass of his fellows, and to draw apart with his family and his friends; so that, after he has thus formed a little circle of his own, he willingly leaves society at large to itself. Selfishness originates in blind instinct: individualism proceeds from erroneous judgment more than from depraved feelings; it originates as much in deficiencies of mind as in perversity of heart.

MPP6-077 INDIVIDUALISM ULTIMATELY DEGENERATES INTO SELFISHNESS

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.193.

Selfishness blights the germ of all virtue: individualism, at first, only saps the virtues of public life; but, in the long run, it attacks and destroys all others, and is at length absorbed in downright selfishness. Selfishness is a vice as old as the world, which does not belong to one form of society more than to another: individualism is of democratic origin, and it threatens to spread in the same ratio as the equality of condition.

MPP6-078 SELFISHNESS ENCOURAGES DESPOTISM

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.194.

Despotism, which is of a very timorous nature, is never more secure of continuance than when it can keep men asunder; and all its influence is commonly exerted for that purpose. No vice of the human heart is so acceptable to it as selfishness: a despot easily forgives his subjects for not loving him, provided they do not love each other. He does not ask them to assist him in governing the state; it is enough that they do not aspire to govern it themselves. He stigmatizes as turbulent and unruly spirits those who would combine their exertions to promote the prosperity of the community; and, perverting the natural meaning of words, he applauds as good citizens those who have no sympathy for any but themselves.

MPP6-079 FOR TOCQUEVILLE, UNCHECKED INDIVIDUALISM RISKS TYRANNY

Stephen Arons, Professor of Legal Studies, University of Massachusetts, *SHORT ROUTE TO CHAOS*, 1997, p.124.

Among the many vital balances Tocqueville saw in the constitution of American culture was the tension between individualism and majoritarianism. His analysis of how the tendencies toward excessive individualism and a "tyranny of the majority" were kept in check in 1830 illuminates the problem of conscience and community in American public schooling today. Tocqueville feared the rise of tyranny even in a democracy based on the consent of the governed, and he saw one potential cause of this tyranny in an unexpected place, the unchecked individualism which equality made possible.

MPP6-080 JUDICIAL REVIEW IS A MAJOR CHECK ON POLITICAL TYRANNY

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.76.

It is true that, upon this system, the judicial censorship of the courts of justice over the legislature cannot extend to all laws indiscriminately, inasmuch as some of them can never give rise to that precise species of contest which is termed a lawsuit; and even when such a contest is possible, it may happen that no one cares to bring it before a court of justice. The Americans have often felt this inconvenience; but they have left the remedy incomplete, lest they should give it an efficacy which might in some cases prove dangerous. Within these limits, the power vested in the American courts of justice, of pronouncing a statute to be unconstitutional, forms one of the most powerful barriers which has ever been devised against the tyranny of political assemblies.

MPP6-081 THE JUDICIARY IS KEY TO PROTECTING RIGHTS IN A DEMOCRACY

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.309.

Something analogous may be said of the judicial power. It is a part of the essence of judicial power to attend to private interests, and to fix itself with predilection on minute objects submitted to its observation: another essential quality of judicial power is never to volunteer its assistance to the oppressed, but always to be at the disposal of the humblest of those who solicit it; their complaint, however feeble they may themselves be, will force itself upon the ear of justice and claim redress, for this is inherent in the very constitution of courts of justice. A power of this kind is therefore peculiarly adapted to the wants of freedom, at a time when the eye and finger of the government are constantly intruding into the minutest details of human actions, and when private persons are at once too weak to protect themselves, and too much isolated for them to reckon upon the assistance of their fellows. The strength of the courts of law has even been the greatest security which can be offered to personal independence; but this is more especially the case in democratic ages: private rights and interests are in constant danger, if the judicial power does not grow more extensive and more strong to keep pace with the growing equality of conditions.

MPP6-082 JURIES STRENGTHEN RULE OF LAW

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.128.

The jury, then, which seems to restrict the rights of the judiciary, does in reality consolidate its power; and in no country are the judges so powerful as where the people share their privileges. It is especially by means of the jury in civil causes, that the American magistrates imbue even the lower classes of society with the spirit of their profession. Thus the jury, which is the most energetic means of making the people rule, is also the most efficacious means of teaching it how to rule well.

MPP6-083 JURIES INCREASE PUBLIC JUDGEMENT AND KNOWLEDGE OF LAWS

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.128.

The jury contributes powerfully to form the judgment and to increase the natural intelligence of a people; and this, in my opinion, is its greatest advantage. It may be regarded as a gratuitous public school, ever open, in which every juror learns his rights, enters into daily communication with the most learned and enlightened members of the upper classes, and becomes practically acquainted with the laws, which are brought within the reach of his capacity by the efforts of the bar, the advice of the judge, and even by the passions of the parties. I think that the practical intelligence and political good sense of the Americans are mainly attributable to the long use which they have made of the jury in civil causes.

MPP6-084 USE OF JURIES STRENGTHENS PUBLIC RESPONSIBILITY

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.128.

The jury teaches every man not to recoil before the responsibility of his own actions, and impresses him with that manly confidence without which no political virtue can exist. It invests each citizen with a kind of magistracy; it makes them all feel the duties which they are bound to discharge towards society, and the part which they take in its government. By obliging men to turn their attention to other affairs than their own, it rubs off that private selfishness which is the rust of society.

MPP6-085 TRIAL BY JURY IS A POLITICAL INSTITUTION

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.127.

My present purpose is to consider the jury as a political institution. . . . It would be a very narrow view to look upon the jury as a mere judicial institution; for, however great its influence may be upon the decisions of the courts, it is still greater on the destinies of society at large. The jury is, above all, a political institution, and it must be regarded in this light in order to be duly appreciated. By the jury, I mean a certain number of citizens chosen by lot, and invested with a temporary right of judging.

MPP6-086 TRIAL BY JURY STRENGTHENS RULE BY THE GOVERNED

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.127.

The institution of the jury may be aristocratic or democratic, according to the class from which the jurors are taken; but it always preserves its republican character, in that it places the real direction of society in the hands of the governed, or of a portion of the governed, and not in that of the government.

MPP6-087 TRIAL BY JURY MAKES THE PEOPLE MASTERS OF SOCIETY

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.127.

The true sanction of political laws is to be found in penal legislation; and if that sanction be wanting, the law will sooner or later lose its cogency. He who punishes the criminal is therefore the real master of society. Now, the institution of the jury raises the people itself, or at least a class of citizens, to the bench of judges. The institution of the jury consequently invests the people, or that class of citizens, with the direction of society.

MPP6-088 JURY TRIAL STRENGTHENS FREE INSTITUTIONS

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.127-8.

The jury cannot fail to exercise a powerful influence upon the national character. . . . The jury . . . serves to communicate the spirit of the judges to the minds of all the citizens; and this spirit, with the habits which attend it, is the soundest preparation for free institutions. It imbues all classes with a respect for the thing judged, and with the notion of right. If these two elements be removed, the love of independence becomes a mere destructive passion. It teaches men to practise equity; every man learns to judge his neighbor as he would himself be judged.

MPP6-089 JUSTICE APPROPRIATELY CONSTRAINS MAJORITY RULE

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.114.

A general law, which bears the name of justice, has been made and sanctioned, not only by a majority of this or that people, but by a majority of mankind. The rights of every people are therefore confined within the limits of what is just. A nation may be considered as a jury which is empowered to represent society at large, and to apply justice, which is its law. Ought such a jury, which represents society, to have more power than the society itself, whose laws it executes?

MPP6-090 EQUALITY IS MORE JUST

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.316.

A state of equality is perhaps less elevated, but it is more just: and its justice constitutes its greatness and its beauty. I would strive, then, to raise myself to this point of the Divine contemplation, and thence to view and to judge the concerns of men.

MPP6-091 COMMON LANGUAGE IS THE STRONGEST TIE BETWEEN PEOPLE

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.40.

The emigrants who came at different periods to occupy the territory now covered by the American Union differed from each other in many respects; their aim was not the same, and they governed themselves on different principles. These men had, however, certain features in common, and they were all placed in an analogous situation. The tie of language is, perhaps, the strongest and the most durable that can unite mankind. All the emigrants spoke the same tongue; they were all offsets from the same people.

MPP6-092 LEGISLATIVE POWER IS THE MOST DEMOCRATIC

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.112.

The legislature is, of all political institutions, the one which is most easily swayed by the will of the majority. The Americans determined that the members of the legislature should be elected by the people directly, and for a very brief term, in order to subject them, not only to the general convictions, but even to the daily passions, of their constituents. The members of both houses are taken from the same classes in society, and nominated in the same manner; so that the movements of the legislative bodies are almost as rapid, and quite as irresistible, as those of a single assembly. It is to a legislature thus constituted, that almost all the authority of the government has been intrusted.

MPP6-093 CONSTITUTIONAL LIBERTIES CHECK THE STATE

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.296.

The English who emigrated three hundred years ago to found a democratic commonwealth on the shores of the New World had all learned to take a part in public affairs in their mother country; they were conversant with trial by jury; they were accustomed to liberty of speech and of the press, -- to personal freedom, to the notion of rights and the practice of asserting them. They carried with them to America these free institutions and manly customs, and these institutions preserved them against the encroachments of the state. Thus, amongst the Americans, it is freedom which is old, -- equality is of comparatively modern date. The reverse is occurring in Europe, where equality, introduced by absolute power and under the rule of kings, was already infused into the habits of nations long before freedom had entered into their thoughts.

MPP6-094 POLITICAL FREEDOM IS KEY TO CHECKING DESPOTISM

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.195.

Despotism, then, which is at all times dangerous, is more particularly to be feared in democratic ages. It is easy to see that in those same ages men stand most in need of freedom. When the members of a community are forced to attend to public affairs, they are necessarily drawn from the circle of their own interests, and snatched at times from self-observation. As soon as a man begins to treat of public affairs in public, he begins to perceive that he is not so independent of his fellow-men as he had at first imagined, and that, in order to obtain their support, he must often lend them his co-operation.

MPP6-095 POLITICAL FREEDOM IS KEY TO COMBATING THE DANGERS OF EQUALITY

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.198.

Many people in France consider equality of condition as one evil, and political freedom as a second. When they are obliged to yield to the former, they strive at least to escape from the latter. But I contend that, in order to combat the evils which equality may produce, there is only one effectual remedy, -- namely, political freedom.

MPP6-096 LIBERTY IS ARDUOUS BUT IT ULTIMATELY PRODUCES THE BEST RESULTS

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.106-7.

It cannot be repeated too often, that nothing is more fertile in prodigies than the art of being free; but there is nothing more arduous than the apprenticeship of liberty. It is not so with despotism: despotism often promises to make amends for a thousand previous ills; it supports the right, it protects the oppressed, and it maintains public order. The nation is lulled by the temporary prosperity which it produces, until it is roused to a sense of its misery. Liberty, on the contrary, is generally established with difficulty in the midst of storms; it is perfected by civil discord; and its benefits cannot be appreciated until it is already old.

MPP6-097 AMERICA UNITES LIBERTY AND ORDER

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.62.

The Revolution of the United States was the result of a mature and reflecting preference of freedom, and not of a vague or ill-defined craving for independence. It contracted no alliance with the turbulent passions of anarchy; but its course was marked, on the contrary, by a love of order and law.

MPP6-098 THE LOSS OF SMALL LIBERTIES
SNOWBALLS

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.305.

I admit that, by this means, room is left for the intervention of individuals in the more important affairs; but it is not the less suppressed in the smaller and more private ones. It must not be forgotten that it is especially dangerous to enslave men in the minor details of life. For my own part, I should be inclined to think freedom less necessary in great things than in little ones, if it were possible to be secure of the one without possessing the other.

MPP6-099 TOCQUEVILLE REJECTS THE EQUATION OF
FREEDOM AND DEMOCRACY

Richard Hafner, introduction to Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, 1956, p.11.

Yet Tocqueville was merely reporting, not approving. Democracy in America is no paean to the virtues of equalitarianism and majority rule. Quite to the contrary -- and this is precisely what makes it so provocative and valuable for us today -- this classic study thoroughly rejects Americans' now more than century-old, magical equation of equality with freedom, of democracy with liberty.

MPP6-100 VOTING ALONE DOESN'T PRESERVE
FREEDOM

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.305.

Subjection in minor affairs breaks out every day, and is felt by the whole community indiscriminately. It does not drive men to resistance, but it crosses them at every turn, till they are led to surrender the exercise of their own will. Thus their spirit is gradually broken and their character enervated; whereas that obedience which is exacted on a few important but rare occasions, only exhibits servitude at certain intervals, and throws the burden of it upon a small number of men. It is in vain to summon a people, who have been rendered so dependent on the central power, to choose from time to time the representatives of that power; this rare and brief exercise of their free choice, however important it may be, will not prevent them from gradually losing the faculties of thinking, feeling, and acting for themselves, and thus gradually falling, below the level of humanity.

MPP6-101 PARTICIPATION IN LOCAL GOVERNMENT
STRENGTHENS CITIZENSHIP

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.61.

The native of New England is attached to his township because it is independent and free: this co-operation in its affairs insures his attachment to its interest; the well-being it affords him secures his affection; and its welfare is the aim of his ambition and of his future exertions. He takes a part in every occurrence in the place; he practises the art of government in the small sphere within his reach; he accustoms himself to those forms without which liberty can only advance by revolutions; he imbibes their spirit; he acquires a taste for order, comprehends the balance of powers, and collects clear practical notions on the nature of his duties and the extent of his rights. . . .

MPP6-102 LOCALIZED POLITICAL POWER IS AN
IMPORTANT SOURCE OF COMMUNITY

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.60.

It is to be remembered, too, that the affections of men generally turn towards power. Patriotism is not durable in a conquered nation. The New-Englander is attached to his township, not so much because he was born in it, but because it is a free and strong community, of which he is a member, and which deserves the care spent in managing it. In Europe, the absence of local public spirit is a frequent subject of regret to those who are in power; every one agrees that there is no surer guaranty of order and tranquility, and yet nothing is more difficult to create. If the municipal bodies were made powerful and independent, it is feared that they would become too strong, and expose the state to anarchy. Yet, without power and independence, a town may contain good subjects, but it can have no active citizens.

MPP6-103 LOCAL POWER EXPRESSES THE
DEMOCRATIC PRINCIPLE

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.58.

The township, taken as a whole, and in relation to the central government, is only an individual, like any other to whom the theory I have just described is applicable. Municipal independence in the United States is, therefore, a natural consequence of this very principle of the sovereignty of the people. All the American republics recognize it more or less; but circumstances have peculiarly favored its growth in New England.

MPP6-104 MAJORITARIANISM CARRIES STRONG MORAL AUTHORITY

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.112-13.

Several other circumstances concur to render the power of the majority in America not only preponderant, but irresistible. The moral authority of the majority is partly based upon the notion, that there is more intelligence and wisdom in a number of men united than in a single individual, and, that the number of the legislators is more important than their quality. The theory of equality is thus applied to the intellects of men; and human pride is thus assailed in its last retreat by a doctrine which the minority hesitate to admit, and to which they will but slowly assent. Like all other powers, and perhaps more than any other, the authority of the many requires the sanction of time in order to appear legitimate. At first, it enforces obedience by constraint; and its laws are not respected until they have been long maintained.

MPP6-105 MAJORITARIANISM IS THE ESSENCE OF DEMOCRATIC GOVERNMENT

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.112.

The very essence of democratic government consists in the absolute sovereignty of the majority; for there is nothing in democratic states which is capable of resisting it. Most of the American constitutions have sought to increase this natural strength of the majority by artificial means.

MPP6-106 RESPECT FOR THE MAJORITY LEADS TO OBEDIENCE TO LAW

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.107.

A second reason, which is still more direct and weighty, may be adduced: in the United States, every one is personally interested in enforcing the obedience of the whole community to the law; for as the minority may shortly rally the majority to its principles, it is interested in professing that respect for the decrees of the legislator which it may soon have occasion to claim for its own. However irksome an enactment may be, the citizen of the United States complies with it, not only because it is the work of the majority, but because it is his own, and he regards it as a contract to which he is himself a party.

MPP6-107 MAJORITARIANISM IS THE GREATEST THREAT TO AMERICAN LIBERTY

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.121.

If ever the free institutions of America are destroyed, that event may be attributed to the omnipotence of the majority, which may at some future time urge the minorities to desperation, and oblige them to have recourse to physical force. Anarchy will then be the result, but it will have been brought about by despotism.

MPP6-108 ABSOLUTE MAJORITY RULE TENDS TOWARDS LEGAL DESPOTISM

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.116.

In the United States, the omnipotence of the majority, which is favorable to the legal despotism of the legislature, likewise favors the arbitrary authority of the magistrate. The majority has absolute power both to make the law and to watch over its execution; and as it has equal authority over those who are in power, and the community at large, it considers public officers as its passive agents, and readily confides to them the task of carrying out its designs. The details of their office, and the privileges which they are to enjoy, are rarely defined beforehand. It treats them as a master does his servants, since they are always at work in his sight, and he can direct or reprimand them at any instant.

MPP6-109 A LARGE MIDDLE CLASS PRESERVES SOCIAL ORDER

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.264.

Between these two extremes of democratic communities stand an innumerable multitude of men almost alike, who, without being exactly either rich or poor, are possessed of sufficient property to desire the maintenance of order, yet not enough to excite envy. Such men are the natural enemies of violent commotions; their stillness keeps all beneath them and above them still, and secures the balance of the fabric of society.

MPP6-110 TOCQUEVILLE PERCEIVED THE STABILIZING INFLUENCE OF THE MIDDLE CLASS

Richard Hafner, introduction to Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, 1956, p.17-18.

In a singularly brilliant chapter, "Why Great Revolutions Will Become More Rare," Tocqueville pointed out that revolutions are made to destroy blatant inequalities. And, admittedly, in democratic America enterprise and the love of wealth will produce a few massive fortunes. But the very poor will also be few in number, and the immense neither-rich-nor-poor majority of the nation will always hold the balance between them. Riches are well distributed in America, not concentrated; and the American class structure -- as the Marxist can never see or accept -- is characterized by fluidity rather than by stratification. "Without being exactly either rich or poor," then, most men possess "sufficient property to desire the maintenance of order, yet not enough to excite envy. Such men are the natural enemies of violent commotions; their stillness keeps beneath them and above them still, and secures the balance of the fabric of society." In such a land, then, amidst the conservatism bred by well-being, revolution must indeed be rare.

MPP6-111 DEMOCRATIC PARTICIPATION IS NEEDED TO PROMOTE CIVIC RESPONSIBILITY

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.104.

How happens it that in the United States, where the inhabitants arrived but as yesterday upon the soil which they now occupy, and brought neither customs nor traditions with them there; where they met each other for the first time with no previous acquaintance; where, in short, the instinctive love of country can scarcely exist, -- how happens it that every one takes as zealous an interest in the affairs of his township, his county, and the whole State, as if they were his own? It is because every one, in his sphere, takes an active part in the government of society. The lower orders in the United States understand the influence exercised by the general prosperity upon their own welfare; simple as this observation is, it is too rarely made by the people. Besides, they are wont to regard this prosperity as the fruit of their own exertions. The citizen looks upon the fortune of the public as his own, and he labors for the good of the State, not merely from a sense of pride or duty, but from what I venture to term cupidity.

MPP6-112 DEMOCRATIC PARTICIPATION PRODUCES PUBLIC SPIRIT

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.104.

I am certainly far from affirming, that, in order to obtain this result, the exercise of political rights should be immediately granted to all men. But I maintain that the most powerful, and perhaps the only, means which we still possess of interesting men in the welfare of their country, is to make them partakers in the government. At the present time, civic zeal seems to me to be inseparable from the exercise of political rights; and I think that the number of citizens will be found to augment or decrease in Europe in proportion as those rights are extended.

MPP6-113 THE ABILITY TO MAKE AND CHANGE LAWS ENCOURAGES COMPLIANCE

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.108.

Besides, the people in America obey the law, not only because it is their work, but because it may be changed if it be harmful; a law is observed because, first, it is a self-imposed evil, and, secondly, it is an evil of transient duration.

MPP6-114 UNLIMITED POWER IS INHERENTLY DANGEROUS

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.115.

I am therefore of opinion, that social power superior to all others must always be placed somewhere; but I think that liberty is endangered when this power finds no obstacle which can retard its course, and give it time to moderate its own vehemence. Unlimited power is in itself a bad and dangerous thing. Human beings are not competent to exercise it with discretion. God alone can be omnipotent, because his wisdom and his justice are always equal to his power. There is no power on earth so worthy of honor in itself, or clothed with rights so sacred, that I would admit its uncontrolled and all-predominant authority. When I see that the right and the means of absolute command are conferred on any power whatever, be it called a people or a king, an aristocracy or a democracy, a monarchy or a republic, I say there is the germ of tyranny, and I seek to live elsewhere, under other laws.

MPP6-115 ALL POWER DOESN'T CORRUPT, ONLY ILLEGITIMATE POWER

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.31.

As the noble never suspected that any one would attempt to deprive him of the privileges which he believed to be legitimate, and as the serf looked upon his own inferiority as a consequence of the immutable order of nature, it is easy to imagine that some mutual exchange of good-will took place between two classes so differently gifted by fate. Inequality and wretchedness were then to be found in society; but the souls of neither rank of men were degraded. Men are not corrupted by the exercise of power, or debased by the habit of obedience; but by the exercise of a power which they believe to be illegitimate, and by obedience to a rule which they consider to be usurped and oppressive.

MPP6-116 THE PRESS IS KEY TO DEMOCRATIC FREEDOM

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.309.

I think that men living in aristocracies may, strictly speaking, do without the liberty of the press: but such is not the case with those who live in democratic countries. To protect their personal independence I trust not to great political assemblies, to parliamentary privilege, or to the assertion of popular sovereignty. All these things may, to a certain extent, be reconciled with personal servitude. But that servitude cannot be complete if the press is free: the press is the chief democratic instrument of freedom.

MPP6-117 FREE PRESS IS ESPECIALLY IMPORTANT FOR DEMOCRATIC NATIONS

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.308-9.

At the present time, an oppressed member of the community has therefore only one method of self-defence, -- he may appeal to the whole nation; and if the whole nation is deaf to his complaint, he may appeal to mankind: the only means he has of making this appeal is by the press. Thus, the liberty of the press is infinitely more valuable amongst democratic nations than amongst all others; it is the only cure for the evils which equality may produce. Equality sets men apart and weakens them; but the press places a powerful weapon within every man's reach, which the weakest and loneliest of them all may use. Equality deprives a man of the support of his connections; but the press enables him to summon all his fellow-countrymen and all his fellow-men to his assistance. Printing has accelerated the progress of equality, and it is also one of its best correctives.

MPP6-118 THE PRESS IS KEY TO DEMOCRATIC ASSOCIATION

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.203.

In order that an association amongst a democratic people should have any power, it must be a numerous body. The persons of whom it is composed are therefore scattered over a wide extent, and each of them is detained in the place of his domicile by the narrowness of his income, or by the small unremitting exertions by which he earns it. Means must then be found to converse every day without seeing each other, and to take steps in common without having met. Thus, hardly any democratic association can do without newspapers.

MPP6-119 THE PRESS PROTECTS CIVILIZATION AND FREEDOM

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.202.

Newspapers therefore become more necessary in proportion as men become more equal, and individualism more to be feared. To suppose that they only serve to protect freedom would be to diminish their importance: they maintain civilization. I shall not deny that, in democratic countries, newspapers frequently lead the citizens to launch together into very ill-digested schemes; but if there were no newspapers, there would be no common activity. The evil which they produce is therefore much less than that which they cure.

MPP6-120 FREEDOM OF THE PRESS IS KEY TO LIBERTY IN THE MODERN WORLD

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.97.

The more I consider the independence of the press in its principal consequences, the more am I convinced that, in the modern world, it is the chief, and, so to speak, the constitutive element of liberty. A nation which is determined to remain free is therefore right in demanding, at any price, the exercise of this independence.

MPP6-121 FREEDOM OF THE PRESS CAN'T BE PARTIALLY LIMITED

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.91-2.

The influence of the liberty of the press does not affect political opinions alone, but extends to all the opinions of men, and modifies customs as well as laws.... I confess that I do not entertain that firm and complete attachment to the liberty of the press which is wont to be excited by things that are supremely good in their very nature. I approve of it from a consideration more of the evils it prevents, than of the advantages it insures. If any one could point out an intermediate and yet a tenable position between the complete independence and the entire servitude of opinion, I should, perhaps, be inclined to adopt it; but the difficulty is, to discover this intermediate position.

MPP6-122 ANY PRESS CENSORSHIP CULMINATES IN DESPOTISM

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.92.

Establish a censorship of the press. But the tongue of the public speaker will still make itself heard, and your purpose is not yet accomplished; you have only increased the mischief. Thought is not, like physical strength, dependent upon the number of its agents; nor can authors be counted like the troops which compose an army. On the contrary, the authority of a principle is often increased by the small number of men by whom it is expressed. The words of one strong-minded man, addressed to the passions of a listening assembly, have more power than the vociferations of a thousand orators; and if it be allowed to speak freely in any one public place, the consequence is the same as if free speaking was allowed in every village. The liberty of speech must therefore be destroyed, as well as the liberty of the press. And now you have succeeded, everybody is reduced to silence. But your object was to repress the abuses of liberty, and you are brought to the feet of a despot. You have been led from the extreme of independence to the extreme of servitude, without finding a single tenable position on the way at which you could stop. . . .

MPP6-123 EXCESSIVE PREOCCUPATION WITH THE PRIVATE UNDERMINES PUBLIC SPIRIT

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.273.

Amidst the ruins which surround me, shall I dare to say that revolutions are not what I most fear for coming generations? If men continue to shut themselves more closely within the narrow circle of domestic interests, and to live upon that kind of excitement, it is to be apprehended that they may ultimately become inaccessible to those great and powerful public emotions which perturb nations, but which develop them and recruit them. When property becomes so fluctuating, and the love of property so restless and so ardent, I cannot but fear that men may arrive at such a state as to regard every new theory as a peril, every innovation as an irksome toil, every social improvement as a stepping-stone to revolution, and so refuse to move altogether for fear of being moved too far. I dread, and I confess it, lest they should at last so entirely give way to a cowardly love of present enjoyment, as to lose sight of the interests of their future selves and those of their descendants; and prefer to glide along the easy current of life, rather than to make, when it is necessary, a strong and sudden, effort to a higher purpose.

MPP6-124 THE ABILITY TO IMPROVE IS A UNIQUE TRAIT OF HUMAN NATURE

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.157.

Although man has many points of resemblance with the brutes, one trait is peculiar to himself, -- he improves: they are incapable of improvement. Mankind could not fail to discover this difference from the beginning. The idea of perfectibility is therefore as old as the world; equality did not give birth to it, but has imparted to it a new character.

MPP6-125 PROSPERITY ENCOURAGES DEMOCRATIC STABILITY

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.129-30.

General prosperity is favorable to the stability of all governments, but more particularly of a democratic one, which depends upon the will of the majority, and especially upon the will of that portion of the community which is most exposed to want. When the people rule, they must be rendered happy, or they will overturn the state: and misery stimulates them to those excesses to which ambition rouses kings. The physical causes, independent of the laws, which promote general prosperity, are more numerous in America than they ever have been in any other country in the world, at any other period of history. In the United States, not only is legislation democratic, but Nature herself favors the cause of the people.

MPP6-126 PROPERTY RIGHTS CHECK REVOLUTIONARY PASSIONS

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.267.

Although the Americans are constantly modifying or abrogating some of their laws, they by no means display revolutionary passions. It may be easily seen, from the promptitude with which they check and calm themselves when public excitement begins to grow alarming, and at the very moment when passions seem most roused, that they dread a revolution as the worst of misfortunes, and that every one of them is inwardly resolved to make great sacrifices to avoid such a catastrophe. In no country in the world is the love of property more active and more anxious than in the United States; nowhere does the majority display less inclination for those principles which threaten to alter, in whatever manner, the laws of property.

MPP6-127 COMMERCIAL SOCIETY TENDS TO BE PEACEFUL

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.265-6.

I know of nothing more opposite to revolutionary manners than commercial manners. Commerce is naturally adverse to all the violent passions; it loves to temporize, takes delight in compromise, and studiously avoids irritation. It is patient, insinuating, flexible, and never has recourse to extreme measures until obliged by the most absolute necessity. Commerce renders men independent of each other, gives them a lofty notion of their personal importance, leads them to seek to conduct their own affairs, and teaches how to conduct them well; it therefore prepares men for freedom, but preserves them from revolutions.

MPP6-128 CERTAINTY OF PUNISHMENT IS MORE EFFECTIVE THAN SEVERITY

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.77.

In the Middle Ages, when it was very difficult to reach offenders, the judges inflicted frightful punishments on the few who were arrested; but this did not diminish the number of crimes. It has since been discovered that, when justice is more certain and more mild, it is more efficacious. The English and the Americans hold that tyranny and oppression are to be treated like any other crime, by lessening the penalty and facilitating conviction....

MPP6-129 RACE IS THE MOST DISRUPTIVE FORCE IN AMERICAN SOCIETY

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.268.

If ever America undergoes great revolutions, they will be brought about by the presence of the black race on the soil of the United States; that is to say, they will owe their origin, not to the equality, but to the inequality of condition.

MPP6-130 AMERICAN REPRESENTATIVE DEMOCRACY IS AN EFFECTIVE INSTRUMENT OF MAJORITY RULE
 Alexis de Tocqueville, DEMOCRACY IN AMERICA, PART ONE, 1835, Richard Hafner, ed., 1956, p.87.

In America, the people appoint the legislative and the executive power, and furnish the jurors who punish all infractions of the laws. The institutions are democratic, not only in their principle, but in all their consequences; and the people elect their representatives directly, and for the most part annually, in order to insure their dependence. The people are, therefore, the real directing power; and although the form of government is representative, it is evident that the opinions, the prejudices, the interests, and even the passions of the people are hindered by no permanent obstacles from exercising a perpetual influence on the daily conduct of affairs. In the United States, the majority governs in the name of the people, as is the case in all countries in which the people are supreme.

MPP6-131 SECURING INDIVIDUAL RIGHTS IS THE MOST IMPORTANT TASK OF GOVERNMENT

Alexis de Tocqueville, DEMOCRACY IN AMERICA, PART TWO, 1840, Richard Hafner, ed., 1956, p.312-13.

The political world is metamorphosed: new remedies must henceforth be sought for new disorders. To lay down extensive but distinct and settled limits to the action of the government; to confer certain rights on private persons, and to secure to them the undisputed enjoyment of those rights; to enable individual man to maintain whatever independence, strength, and original power he still possesses; to raise him by the side of society at large, and uphold him in that position, -- these appear to me the main objects of legislators in the ages upon which we are now entering. It would seem as if the rulers of our time sought only to use men in order to make things great; I wish that they would try a little more to make great men; that they would set less value on the work, and more upon the workman; that they would never forget that a nation cannot long remain strong when every man belonging to it is individually weak; and that no form or combination of social polity has yet been devised to make an energetic people out of a community of pusillanimous and enfeebled citizens.

MPP6-132 RIGHTS ARE A SOCIAL CODIFICATION OF VIRTUE

Alexis de Tocqueville, DEMOCRACY IN AMERICA, PART ONE, 1835, Richard Hafner, ed., 1956, p.105.

After the general idea of virtue, I know no higher principle than that of right; or rather these two ideas are united in one. The idea of right is simply that of virtue introduced into the political world. It was the idea of right which enabled men to define anarchy and tyranny; and which taught them how to be independent without arrogance, and to obey without servility. The man who submits to violence is debased by his compliance; but when he submits to that right of authority which he acknowledges in a fellow-creature, he rises in some measure above the person who gives the command. There are no great men without virtue; and there are no great nations, -- it may almost be added, there would be no society, -- without respect for right; for what is a union of rational and intelligent beings who are held together only by the bond of force?....

MPP6-133 VIOLATION OF INDIVIDUAL RIGHTS THREATENS THE WHOLE COMMUNITY

Alexis de Tocqueville, DEMOCRACY IN AMERICA, PART TWO, 1840, Richard Hafner, ed., 1956, p.310-11.

But it happens that, at the some period and amongst the same nations in which men conceive a natural contempt for the rights of private persons, the rights of society at large are naturally extended and consolidated: in other words, men become less attached to private rights just when it is most necessary to retain and defend what little remains of them. It is therefore most especially in the present democratic times, that the true friends of the liberty and the greatness of man ought constantly to be on the alert, to prevent the power of government from lightly sacrificing the private rights of individuals to the general execution of its designs. At such times, no citizen is so obscure that it is not very dangerous to allow him to be oppressed; no private rights are so unimportant that they can be surrendered with impunity to the caprices of a government. The reason is plain: -- if the private right of an individual is violated at a time when the human mind is fully impressed with the importance and the sanctity of such rights, the injury done is confined to the individual whose right is infringed; but to violate a right at the present day is deeply to corrupt the manners of the nation, and to put the whole community in jeopardy, because the very notion of this kind of right constantly tends amongst us to be impaired and lost.

MPP6-134 RIGHTS ARE NECESSARY CONSTRUCTS IN THE SECULAR MODERN WORLD

Alexis de Tocqueville, DEMOCRACY IN AMERICA, PART ONE, 1835, Richard Hafner, ed., 1956, p.106.

Do you not see that religious belief is shaken, and the divine notion of right is declining? -- that morality is debased, and the notion of moral right is therefore fading away? Argument is substituted for faith, and calculation for the impulses of sentiment. If, in the midst of this general disruption you do not succeed in connecting the notion of right with that of private interest, which is the only immutable point in the human heart, what means will you have of governing the world except by fear? When I am told that the laws are weak and the people are turbulent, that passions are excited and the authority of virtue is paralyzed, and therefore no measures must be taken to increase the rights of the democracy, I reply, that, for these very reasons some measures of the kind ought to be taken; and I believe that governments are still more interested in taking them than society at large, for governments may perish, but society cannot die.

MPP6-135 DEMOCRACY MAKES RIGHTS AVAILABLE TO ALL

Alexis de Tocqueville, DEMOCRACY IN AMERICA, PART ONE, 1835, Richard Hafner, ed., 1956, p.105-6.

The government of the democracy brings the notion of political rights to the level of the humblest citizens, just as the dissemination of wealth brings the notion of property within the reach of all men; to my mind, this is one of its greatest advantages. I do not say it is easy to teach men how to exercise political rights; but I maintain that, when it is possible, the effects which result from it are highly important; and, I add, that, if there ever was a time at which such an attempt ought to be made, that time is now.

MPP6-136 DEMOCRACIES TEND TO UNDERVALUE RIGHTS

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.310.

Another tendency, which is extremely natural to democratic nations and extremely dangerous, is that which leads them to despise and undervalue the rights of private persons, The attachment which men feel to a right, and the respect which they display for it, is generally proportioned to its importance, or to the length of time during which they have enjoyed it. The rights of private persons amongst democratic nations are commonly of small importance, of recent growth, and extremely precarious; the consequence is, that they are often sacrificed without regret, and almost always violated without remorse.

MPP6-137 APPEALS TO UTILITY TEND TO OVERRIDE RIGHTS

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.311.

As the ordinary notions of equity and morality no longer suffice to explain and justify all the innovations daily begotten by a revolution, the principle of public utility is called in, the doctrine of political necessity is conjured up, and men accustom themselves to sacrifice private interests without scruple, and to trample on the rights of individuals in order more speedily to accomplish any public purpose.

MPP6-138 DEMOCRATIC INPUT ENHANCES RESPECT FOR THE LAW

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.107.

It is not always feasible to consult the whole people, either directly or indirectly, in the formation of the law; but it cannot be denied that, when this is possible, the authority of the law is much augmented. This popular origin, which impairs the excellence and the wisdom of legislation, contributes much to increase its power. There is an amazing strength in the expression of the will of a whole people; and when it declares itself, even the imagination of those who would wish to contest it is overawed.

MPP6-139 THE INFLUENCE OF LAW CHECKS EXCESSES OF DEMOCRACY

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.123.

In visiting the Americans and studying their laws, we perceive that the authority they have intrusted to members of the legal profession, and the influence which these individuals exercise in the government, is the most powerful existing security against the excesses of democracy. . . . Men who have made a special study of the laws derive from this occupation certain habits of order, a taste for formalities, and a kind of instinctive regard for the regular connection of ideas, which naturally render them very hostile to the revolutionary spirit and the unreflecting passions of the multitude.

MPP6-140 SCIENCE AND ART FURTHER DEMOCRATIZATION

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.28.

From the time when the exercise of the intellect became a source of strength and of wealth, we see that every addition to science, every fresh truth, and every new idea became a germ of power placed within the reach of the people. Poetry, eloquence, and memory, the grace of the mind, the glow of imagination, depth of thought, and all the gifts which Heaven scatters at a venture, turned to the advantage of the democracy; and even when they were in the possession of its adversaries, they still served its cause by throwing into bold relief the natural greatness of man. Its conquests spread, therefore, with those of civilization and knowledge; and literature became an arsenal open to all, where the poor and the weak daily resorted for arms.

MPP6-141 DEMOCRACY ENCOURAGES PRACTICAL SCIENCE

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.167.

You may be sure that the more a nation is democratic, enlightened, and free, the greater will be the number of these interested promoters of scientific genius, and the more will discoveries immediately applicable to productive industry confer gain, fame, and even power, on their authors. For in democracies, the working class take a part in public affairs; and public honors, as well as pecuniary remuneration, may be awarded to those who deserve them.

MPP6-142 SEPARATION OF POWER IS KEY TO CHECKING TYRANNY

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.116.

If, on the other hand, a legislative power could be so constituted as to represent the majority without necessarily being the slave of its passions, an executive so as to retain a proper share of authority, and a judiciary so as to remain independent of the other two powers, a government would be formed which would still be democratic, without incurring hardly any risk of tyranny.

MPP6-143 SEPARATION AND DIVISION MAKES POWER LESS DANGEROUS

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.62.

The second manner of diminishing the influences of authority does not consist in stripping society of some of its rights, nor in paralyzing its escorts, but in distributing the exercise of its powers among various hands, and in multiplying functionaries, to each of whom is given the degree of power necessary for him to perform his duty. There may be nations whom this distribution of social powers might lead to anarchy; but in itself, it is not anarchical. The authority thus divided is, indeed, rendered less irresistible and less perilous, but it is not destroyed.

MPP6-144 TYRANNY OF THE MAJORITY REDUCES QUALITY OF LEADERS

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.119.

The tendencies which I have just mentioned are as yet but slightly perceptible in political society; but they already exercise an unfavorable influence upon the national character of the Americans. I attribute the small number of distinguished men in political life to the ever-increasing despotism of the majority in the United States.

MPP6-145 TYRANNY OF THE MAJORITY FRUSTRATES FREEDOM OF OPINION

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART ONE, 1835, Richard Hafner, ed., 1956, p.117-18.

In America, the majority raises formidable barriers around the liberty of opinion: within these barriers, an author may write what he pleases; but woe to him if he goes beyond them. Not that he is in danger of an auto-da-fe, but he is exposed to continued obloquy and persecution. His political career is closed forever since he has offended the only authority which is able to open it. Every sort of compensation, even that of celebrity, is refused to him. Before publishing his opinions, he imagined that he held them in common with others; but no sooner has he declared them, than he is loudly censured by his opponents whilst those who like him, without having the courage to speak out, abandon him in silence. He yields at length, overcome by the daily effort which he has to make, and subsides into silence, as if he felt remorse for having spoken the truth.

MPP6-146 TOCQUEVILLE SAW AMERICA AS SUBJECT TO THE TYRANNY OF THE MAJORITY

Richard Hafner, introduction to Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, 1956, p.11-12.

Increasingly, then, Americans had subordinated their concern for the liberties and freedom of the individual to their new respect for -- or fear of -- the majority, the "great and imposing image of the people at large." It seemed clear that equality and democracy, far from going hand in hand with liberty and freedom, had in the sacred name of the majority raised up instead a tyranny over the minds of men as oppressive and as formidable as any in history: the tyranny of the majority. And Tocqueville could write: "I know of no country in which there is so little independence of mind and real freedom of discussion as in America."

MPP6-147 TOCQUEVILLE'S DIAGNOSIS OF THE TYRANNY OF THE MAJORITY REMAINS APT

Richard Hafner, introduction to Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, 1956, p.21.

Today, of course, Tocqueville's concern for the growing tyranny of the majority strikes home with particular force. It is true that a half-century after *Democracy in America* first appeared, Lord Bryce wrote that Tocqueville's "tyranny of the majority does not strike one as a serious evil in the America of today . . . Faint are the traces which remain of that intolerance of heterodoxy in politics, religion or social views whereon he dilates." But in evaluating Lord Bryce's criticism, one suspects that because he lacked Tocqueville's brilliant and prophetic perceptivity, he simply couldn't fathom what real truth there was to the Frenchman's estimate. Besides, even as Bryce wrote in 1887, the thoroughly majority-oriented democracy that Tocqueville had foreseen and that we experience today had not as yet actually thrust its way through to the surface of American life. Now, however, it has, and modern, frontierless, industrial America -- with its factory-made, standardized food, clothing, housing, communications and even amusements -- has surely placed a premium upon sameness, undermined individualism and created to perfection what contemporary sociologists bemoan as pre-eminently an "age of conformity."

MPP6-148 FOR TOCQUEVILLE, DEMOCRACY CAN PROVIDE THE MOST ABSOLUTE TYRANNY

Richard Hafner, introduction to Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, 1956, p.21.

In contrast to the marked individualism of earlier American society, Tocqueville saw uniformity, conformity and a drab sameness as the characteristics of modern democracy. Originally, men sought freedom to break off the brutal chains of inequality fashioned by the monarchies and aristocracies of old. But "as the conditions of men become equal amongst a people, individuals seem of less, and society of greater, importance." Increasingly, then, men in democracies put a premium upon equality and sameness rather than upon difference, and soon they become intolerant of the very freedom to be different. Besides, in an equalitarian democracy, men are prone to be "lost in the crowd" of their fellows; they lose respect for their own freedom and individuality, and so become grossly indifferent to the free expressions of individual thought, taste and desire on the part of all others. In short, democracy and equality are great levelers. Thus they make it impossible for one man or a few men to oppress the many. But in turn they make it equally impossible for any one man to be free from the oppression of the many. In consequence, the democratic majority can become the greatest, most absolute tyranny of all.

MPP6-149 TOCQUEVILLE SAW AMERICAN DEMOCRACY AS TYRANNIZING OVER FREE THOUGHT
Richard Hafner, introduction to Alexis de Tocqueville, DEMOCRACY IN AMERICA, 1956, p.20-1.

We have seen that Alexis de Tocqueville's interests ranged far into almost every aspect of American life. Yet in his own estimate, one theme in particular dominated all others: the growing tyranny of the majority, the ever-increasing and most formidable barriers raised by the majority around the free expression of opinion, and, as a result, the frightening oneness of American thinking, the absence of eccentricity and divergence from the norm. A perfect liberty of the mind exists in America, said Tocqueville, just as long as the sovereign majority has yet to decide its course. But once the majority has made up its mind, then all contrary thought must cease, and all controversy must be abandoned, not at the risk of death or physical punishment, but rather at the more subtle and more intolerable pain of ostracism, of being shunned by one's fellows, of being rejected by society. Throughout history kings and princely rulers had sought without success to control human thought, that most elusive and invisible power of all. Yet where absolute monarchs had failed, democracy succeeds, for the strength of the majority is unlimited and all-pervasive, and the doctrines of equality and majority rule have substituted for the tyranny of the few over the many the more absolute, imperious and widely accepted tyranny of the many over the few.

MPP6-150 LIMITED SCOPE OF GOVERNMENT HELPS CHECK TYRANNY OF THE MAJORITY

Alexis de Tocqueville, DEMOCRACY IN AMERICA, PART ONE, 1835, Richard Hafner, ed., 1956, p.122-3.

But in the United States, the majority, which so frequently displays the tastes and the propensities of a despot, is still destitute of the most perfect instruments of tyranny. In the American republics, the central government has never as yet busied itself but with a small number of objects, sufficiently prominent to attract its attention. The secondary affairs of society have never been regulated by its authority; and nothing has hitherto betrayed its desire of even interfering in them. The majority is become more and more absolute, but has not increased the prerogatives of the central government; those great prerogatives have been confined to a certain sphere; and, although the despotism of the majority may be galling upon one point, it cannot be said to extend to all.

MPP6-151 DEMOCRACY CHECKS THE MILITARY SPIRIT
Alexis de Tocqueville, DEMOCRACY IN AMERICA, PART TWO, 1840, Richard Hafner, ed., 1956, p.274.

The same interests, the same fears, the same passions, which deter democratic nations from revolutions, deter them also from war; the spirit of military glory and the spirit of revolution are weakened at the same time and by the same causes. The ever-increasing numbers of men of property who are lovers of peace, the growth of personal wealth which war so rapidly consumes, the mildness of manners, the gentleness of heart, those tendencies to pity which are produced by the equality of conditions, that coolness of understanding which renders men comparatively insensible to the violent and poetical excitement of arms, -- all these causes concur to quench the military spirit.

MPP6-152 DEMOCRACY ENCOURAGES PEACE

Alexis de Tocqueville, DEMOCRACY IN AMERICA, PART TWO, 1840, Richard Hafner, ed., 1956, p.284.

When the principle of equality is spreading, not only amongst a single nation, but amongst several neighboring nations at the same time, as is now the case in Europe, the inhabitants of these different countries, notwithstanding the dissimilarity of language, of customs, and of laws, still resemble each other in their equal dread of war and their common love of peace. It is in vain that ambition or anger puts arms in the hands of princes; they are appeased in spite of themselves by a species of general apathy and good-will, which makes the sword drop from their grasp, and wars become more rare.

MPP6-153 SOCIAL EQUALITY TENDS TO PROMOTE PEACE

Alexis de Tocqueville, DEMOCRACY IN AMERICA, PART TWO, 1840, Richard Hafner, ed., 1956, p.264.

Almost all the revolutions which have changed the aspect of nations have been made to consolidate or to destroy social inequality. Remove the secondary causes which have produced the great convulsions of the world, and you will almost always find the principle of inequality at the bottom. Either the poor have attempted to plunder the rich, or the rich to enslave the poor. If, then, a state of society can ever be founded in which every man shall have something to keep, and little to take from others, much will have been done for the peace of the world.

MPP6-154 EQUALITY REDUCES WARLIKE PASSIONS

Alexis de Tocqueville, DEMOCRACY IN AMERICA, PART TWO, 1840, Richard Hafner, ed., 1956, p.274.

I think it may be admitted as a general and constant rule, that, amongst civilized nations, the warlike passions will become more rare and less intense in proportion as social conditions shall be more equal.

MPP6-155 DEMOCRATIC ARMIES ARE ESPECIALLY MILITARISTIC

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.277.

It may therefore be asserted, generally speaking, that, if democratic nations are naturally prone to peace from their interests and their propensities, they are constantly drawn to war and revolutions by their armies. Military revolutions, which are scarcely ever to be apprehended in aristocracies, are always to be dreaded amongst democratic nations. These perils must be reckoned amongst the most formidable which beset their future fate, and the attention of statesmen should be sedulously applied to find a remedy for the evil.

MPP6-156 DEMOCRATIC MILITARIES ARE INCLINED TOWARD WAR

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.276.

We thus arrive at this singular consequence, that, of all armies, those most ardently desirous of war are democratic armies, and of all nations, those most fond of peace are democratic nations; and what makes these facts still more extraordinary is, that these contrary effects are produced at the same time by the principle of equality. All the members of the community, being alike, constantly harbor the wish and discover the possibility of changing their condition and improving their welfare: this makes them fond of peace, which is favorable to industry, and allows every man to pursue his own little undertakings to their completion. On the other hand, this same equality makes soldiers dream of fields of battle, by increasing the value of military honors in the eyes of those who follow the profession of arms, and by rendering those honors accessible to all. In either case, the inquietude of the heart is the same, the taste for enjoyment as insatiable, the ambition of success as great, -- the means of gratifying it alone are different.

MPP6-157 DEMOCRACY RESULTS IN FEWER BUT LARGER WARS

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.284.

Thus, on the one hand, it is extremely difficult in democratic times to draw nations into hostilities; but, on the other, it is almost impossible that any two of them should go to war without embroiling the rest. The interests of all are so interlaced, their opinions and their wants so much alike, that none can remain quiet when the others stir. Wars therefore become more rare, but when they break out, they spread over a larger field.

MPP6-158 DEMOCRACY TENDS TO PROLONG WARS

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.278.

I foresee that all the military rulers who may rise up in great democratic nations will find it easier to conquer with their armies, than to make their armies live at peace after conquest. There are two things which a democratic people will always find very difficult, -- to begin a war and to end it.

MPP6-159 WAR IS THE GREATEST THREAT TO DEMOCRATIC FREEDOM

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.278.

No protracted war can fail to endanger the freedom of a democratic country. Not indeed that, after every victory, it is to be apprehended that the victorious generals will possess themselves by force of the supreme power, after the manner of Sylla and Caesar: the danger is of another kind. War does not always give over democratic communities to military government, but it must invariably and immeasurably increase the powers of civil government; it must almost compulsorily concentrate the direction of all men and the management of all things in the hands of the administration. If it lead not to despotism by sudden violence, it prepares men for it more gently by their habits. All those who seek to destroy the liberties of a democratic nation ought to know that war is the surest and the shortest means to accomplish it. This is the first axiom of the science.

MPP6-160 WAR INCREASES CENTRALIZATION

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.299.

I think that extreme centralization of government ultimately enervates society, and thus, after a length of time, weakens the government itself; but I do not deny that a centralized social power may be able to execute great undertakings with facility in a given time and on a particular point. This is more especially true of war, in which success depends much more on the means of transferring all the resources of a nation to one single point, than on the extent of those resources. Hence it is chiefly in war that nations desire, and frequently need, to increase the powers of the central government. All men of military genius are fond of centralization, which increases their strength; and all men of centralizing genius are fond of war, which compels nations to combine all their powers in the hands of the government. Thus, the democratic tendency which leads men unceasingly, to multiply the privileges of the state, and to circumscribe the rights of private persons, is much more rapid and constant amongst those democratic nations which are exposed by their position to great and frequent wars, than amongst all others.

MPP6-161 SMALLER ARMIES POSE LESS THREAT TO DEMOCRACY

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.280.

After all, and in spite of all precautions, a large army amidst a democratic people will always be a source of great danger; the most effectual means of diminishing that danger would be to reduce the army, but this is a remedy which all nations are not able to apply.

MPP6-162 DEMOCRACY ENHANCES THE STATUS OF WOMEN

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.243.

I have shown how democracy destroys or modifies the different inequalities which originate in society; but is that all? or does it not ultimately affect that great inequality of man and woman which has seemed, up to the present day, to be eternally based in human nature? I believe that the social changes which bring nearer to the same level the father and son, the master and servant, and, in general, superiors and inferiors, will raise woman, and make her more and more the equal of man.

MPP6-163 TOCQUEVILLE REJECTED GENDER EQUALITY

Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, PART TWO, 1840, Richard Hafner, ed., 1956, p.244.

There are people in Europe who, confounding together the different characteristics of the sexes, would make man and woman into beings not only equal, but alike. They would give to both the same functions, impose on both the same duties, and grant to both the same rights; they would mix them in all things, -- their occupations, their pleasures, their business. It may readily be conceived, that, by thus attempting to make one sex equal to the other, both are degraded; and from so preposterous a medley of the works of nature, nothing could ever result but weak men and disorderly women.

MPP6-164 DEMOCRACY IN AMERICA IS THE MOST PERCEPTIVE ANALYSIS OF AMERICAN SOCIETY

Stephen Arons, Professor of Legal Studies, University of Massachusetts, *SHORT ROUTE TO CHAOS*, 1997, p.124.

For more than 150 years Democracy in America has been widely regarded as the most perceptive analysis ever made of the character and institutions of the American people. Its author, a French aristocrat and lawyer who traveled to the United States in 1830 with the intention of studying its prisons, was a great admirer of the American democratic experiment. He had foreseen that democracy was the irresistible wave of the future in the old world as well as in the new. But his knowledge of the French Revolution of 1789 made him aware of the excesses to which democracy might go. His analysis of democracy in America was characterized, therefore, neither by cynical criticism nor by overly enthusiastic praise. The book contains instead an analysis of how the constitution of American character interacts with the constitution of its political and social institutions to strike a dynamic balance of forces capable of sustaining a healthy democracy.

MPP6-165 TOCQUEVILLE IS THE MOST PERCEPTIVE ANALYST OF AMERICAN DEMOCRACY

Richard Hafner, introduction to Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, 1956, p.11.

It was in the midst of this riotous early ferment of democracy and equality that Alexis de Tocqueville made his grand tour of the United States. And surely no other observer has, ever as perceptively noted or so well described these now widely accepted twin themes of American life. Indeed, in the very Introduction to *Democracy in America*, Tocqueville wrote that --

Amongst the novel objects that attracted my attention ... in the United States, nothing struck me more forcibly than the general equality of condition among the people.... The more I advanced in the study of American society, the more I perceived that this equality of condition is the fundamental fact from which all others seem to be derived.... While about democracy (or majority rule) the young French man observed further on in his study that "The people reign in the American political world as the Deity does in the Universe."

MPP6-166 HISTORY HAS BORNE OUT MANY OF TOCQUEVILLE'S ANALYSES

Richard Hafner, introduction to Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, 1956, p.16.

For all of Tocqueville's obvious inadequacies and the often rather distressing subjectivity of his approach, still many of his generalizations concerning politics, religion, government, art and even literature in democratic America are actually amazingly shrewd and perceptive in their way. This is what makes *Democracy in America* a great book. Even where his observations fail to stand up as credibly objective and accurate reporting on the contemporary scene, Tocqueville still ranks as something of a master prophet and political scientist. Many of his brilliantly intuitive insights into the dynamics of nineteenth century democratic life hold true for our own times as well, and one is over and over again astonished at the way history has borne out numbers of his most sweeping assumptions.

MPP6-167 TOCQUEVILLE FORESAW THE FACTORS THAT WOULD EXPAND EXECUTIVE POWER

Richard Hafner, introduction to Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, 1956, p.16-17.

Thus it was neither law nor the Constitution, but rather circumstance alone, that enfeebled Presidential authority. And it is to Tocqueville's credit as an analyst and prophet that he so clearly perceived what new circumstances would in the future necessarily revolutionize the influence of the Executive. If America were to become a great world power and her early isolation were to become a thing of the past, then the division of governmental power would be different by far. "If the existence of the Union were perpetually threatened, if its chief interests were in daily connection with those of other powerful nations," then "the executive government would assume an increased importance in proportion to the measures expected of it and to those which it would execute." And today few Americans would doubt that our own enormous concentration of power in the Presidency has resulted at least in large part from America's emergence as a great world power in the years since World War I. Here at mid-twentieth century, our foreign relations have increased tremendously in scope and importance, our Executive finds increasing occasion to exert his skill and strength. Consequently the President's "almost royal prerogatives" have now been largely realized, quite in keeping with Tocqueville's prophecy.

MPP6-168 TOCQUEVILLE WAS A SYMPATHETIC OBSERVER OF DEMOCRACY

Richard Hafner, introduction to Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, 1956, p.12.

But our young Frenchman was actually no reactionary nobleman, no mere displaced aristocrat bitterly attached to an older order of things and vainly desirous of discrediting the rapidly spreading new democratic impulse. In fact we find that though Tocqueville never abandoned what he considered the loftier ideals and values of his aristocratic heritage, still his lively instinct for fairness and justice had touched off in him an enormous sympathy for democratic ideas. He had studied and been much impressed by scholarly allusions to the seemingly inevitable progress of democracy.

MPP6-169 TOCQUEVILLE'S ANALYSIS IS AS IMPORTANT NOW AS EVER

Richard Hafner, introduction to Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, 1956, p.13-14.

There is little question but that Tocqueville's single-minded concern for searching out the general principles of democracy in America and for applying them to his native France -- endowed his study with a timelessness and a philosophical scope that make it as important for our own period as it was for his. For here the reader is seldom caught up in a myriad of unrelated details concerning American life of a century and more ago. Instead, he is carried steadily along from one well-set-forth generalization to the next, always free to probe further those which are closest to his own interests. And the total picture that Tocqueville paints is coherent, well-integrated and meaningful.

MPP6-170 TOCQUEVILLE'S CONCERNS ARE EVEN MORE VALID TODAY

Richard Hafner, introduction to Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, 1956, p.22-3.

Besides, the natural physical substructure of freedom in Tocqueville's time -- an open frontier and the widest range of economic opportunity for the free individual -- has almost completely disappeared in our own century. And quite clearly the free exchange of ideas no longer has its roots deep even in our physical environment as it did when Tocqueville wrote. As a result, the questions raised in *Democracy in America* are even more pressing and challenging today than they were when Tocqueville and Beaumont first came to the New World to search out "the image of democracy itself, with its inclinations, its character, its prejudices, and its passions, in order to learn what we have to fear or to hope from its progress."

MPP6-171 TOCQUEVILLE'S ANALYSIS HAS SIGNIFICANT MISREPRESENTATIONS AND OMISSIONS

Richard Hafner, introduction to Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, 1956, p.15-16.

Besides, as Lord Bryce suggested, "It is a salutary warning to those who think it easy to get to the bottom of the political and social phenomena of a nation, to find that so keen and so industrious an observer as De Tocqueville, who has seized with unrivalled acuteness and described with consummate art many of the minor features of American politics, has omitted to notice several which had already begun to show their heads in his day, and have since become of the first importance." Among these Bryce included the growing influence of money in politics, the systematization and organization of party rivalry, and the rise of the reform movement (although Tocqueville and Beaumont had supposedly come here to study prison reforms). At other points as well *Democracy in America* suffers grievously from omissions and misinterpretations that can be traced directly both to the author's too easy assumptions and his desire not to report, but rather to summarize, interpret and generalize.

MPP6-172 TOCQUEVILLE IS PRONE TO EXCESSIVE GENERALIZATION

Richard Hafner, introduction to Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, 1956, p.14.

Yet it was precisely because Tocqueville had such a definite purpose in mind when he came to America that he fell into a basic methodological trap. In his eagerness to generalize upon what he called "the image of democracy ... in order to learn what we have to fear or to hope from its progress," Tocqueville frequently indulged in the most blatant kind of a priori reasoning. New to America, and basically unfamiliar with its mores and institutions, he would formulate an abstract principle upon the scantiest substantive evidence. And then he would use his further observations only as proof of these somewhat intuitive generalizations rather than as the basis of more objective conclusions. Lord Bryce, a British commentator on the American scene, who a half-century after Tocqueville would much more systematically examine *The American Commonwealth*, complained that though the Frenchman never consciously ignored a fact which might disprove his theories, nevertheless, "facts do not fall on his mind like seeds on virgin soil."

MPP6-173 TOCQUEVILLE VASTLY UNDERRATED THE POWER OF THE PRESIDENCY

Richard Hafner, introduction to Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, 1956, p.14-15.

Sometimes, too, Tocqueville's penchant for generalization kept him from seeing through to those many basic changes in American life that were starting to take place even as he wrote. Thus, to Tocqueville the American Presidency seemed to be almost an office without power. He described at length the forces that enfeebled the Chief Executive and seriously limited his influence. And he disparaged any likely Presidential potential for boldness and leadership. But all of this was at the very moment that crusty old Andrew Jackson was in the White House, challenging the Supreme Court, vigorously forcing his will upon the Congress, and establishing a pattern of strong Presidential leadership that would eventually be followed by Lincoln, Theodore Roosevelt, Woodrow Wilson and Franklin D. Roosevelt.

MPP6-174 TOCQUEVILLE EXAGGERATED THE POWER OF THE STATES

Richard Hafner, introduction to Alexis de Tocqueville, *DEMOCRACY IN AMERICA*, 1956, p.15.

There was still another major area in which Tocqueville failed to discern important changes in American life. For he was very much impressed with the power of the various states and with what seemed to him to be the inherent weakness of the national government. In time, he felt, there might be as many as 100,000,000 Americans in 40 states, and the disintegrating, decentralizing effect of such growth and expansion would mean a further weakening of the bonds of union. As the national government would grow even more remote from the average citizen, so national allegiance would be totally supplanted by loyalty to the individual states, or at best to regional blocs of states. And, of course, Tocqueville's visit to the United States did actually coincide with the rise of sectionalism and the South's cry for "states' rights." He came at a time when antagonisms between East and West, North and South were particularly bitter and pronounced; so that it was only natural that he should assume still a further decline in the power and prestige of the national government and an ever increasing loyalty to state and to section.

MPP6-175 THE FIRST OBLIGATION IS TO ONE'S CONSCIENCE, NOT LAW

Henry David Thoreau, *WALDEN AND CIVIL DISOBEDIENCE* (Riverside edition), 1849, p.236.

Must the citizen ever for a moment, or in the least degree, resign his conscience to the legislator? Why has every man a conscience, then? I think that we should be men first, and subjects afterwards. It is not desirable to cultivate a respect for the law, so much as for the right. The only obligation which I have a right to assume is to do at any time what I think right.

MPP6-176 CONFORMITY TO THE DICTATES OF THE STATE IS DEHUMANIZING

Henry David Thoreau, *WALDEN AND CIVIL DISOBEDIENCE* (Riverside edition), 1849, p.237.

The mass of men serve the state thus, not as men mainly, but as machines, with their bodies. They are the standing army, and the militia, jailers, constables, posse comitatus, etc. In most cases there is no free exercise whatever of the judgment or of the moral sense; but they put themselves on a level with wood and earth and stones; and wooden men can perhaps be manufactured that will serve the purpose as well. Such command no more respect than men of straw or a lump of dirt. They have the same sort of worth only as horses and dogs. Yet such as these even are commonly esteemed good citizens.

MPP6-177 EACH PERSON MUST LIVE ACCORDING TO HIS OR HER OWN NATURE

Henry David Thoreau, *WALDEN AND CIVIL DISOBEDIENCE* (Riverside edition), 1849, p.249.

I am not responsible for the successful working of the machinery of society. I am not the son of the engineer. I perceive that, when an acorn and a chestnut fall side by side, the one does not remain inert to make way for the other, but both obey their own laws, and spring and grow and flourish as best they can, till one, perchance, overshadows and destroys the other. If a plant cannot live according to its nature, it dies; and so a man.

MPP6-178 FOR THOREAU, THE INDIVIDUAL SHOULD NEVER SURRENDER HIS OR HER CONSCIENCE TO THE GROUP

Steven Lukes, *Fellow in Politics*, Oxford, *INDIVIDUALISM*, 1973, p.82.

For this kind of argument one must turn to an ultra-liberal thinker such as Henry David Thoreau who, in his celebrated essay on 'Civil Disobedience' asks: 'Must the citizen even for a moment, or in the least degree, resign his conscience to the legislator?' and answers: I think that we should be men first, and subjects afterward. It is not desirable to cultivate a respect for the law, so much as for the right. The only obligation which I have a right to assume is to do at any time what I think right.

MPP6-179 THOREAU MADE THE INDIVIDUAL CONSCIENCE THE ONLY CRITERION OF JUSTICE

Heinz Eulau, Professor of Political Science, Stanford, *THOREAU*, Sherman Paul, ed., 1962, p.118.

But it should be remembered that *Walden*, his most famous and widely read book, does not alone represent his ideas. For an understanding of his politics, "Civil Disobedience" as well as the less-known and less-read essays, "Slavery in Massachusetts" (1850 and "A Plea for Captain John Brown" (1859), are of at least equal importance. They leave little doubt that Thoreau's whole political philosophy was based on the theoretical premise of individual conscience as the only true criterion of what is politically right and just.

MPP6-180 IT WAS MORALLY IMPERATIVE TO REBEL AGAINST SLAVERY

Henry David Thoreau, "Civil Disobedience," in *WALDEN AND CIVIL DISOBEDIENCE*, 1849, p.238.

In other words, when a sixth of the population of a nation which has undertaken to be the refuge of liberty are slaves, and a whole country is unjustly overrun and conquered by a foreign army, and subjected to military law, I think that it is not too soon for honest men to rebel and revolutionize. What makes this duty the more urgent is the fact that the country so overrun is not our own, but ours is the invading army.

MPP6-181 THE REQUIREMENTS OF JUSTICE OUTWEIGH EVEN NATIONAL SURVIVAL

Henry David Thoreau, "Civil Disobedience," in *WALDEN AND CIVIL DISOBEDIENCE*, 1849, p.238-9.

Paley, a common authority with many on moral questions, in his chapter on the "Duty of Submission to Civil Government," resolves all civil obligation into expediency; and he proceeds to say that "so long as the interest of the whole society requires it, that is, so long as the established government cannot be resisted or changed without public inconveniency, it is the will of God ... that the established government be obeyed -- and no longer. This principle being admitted, the justice of every particular case of resistance is reduced to a computation of the quantity of the danger and grievance on the one side, and of the probability and expense of redressing it on the other." Of this, he says, every man shall judge for himself. But Paley appears never to have contemplated those cases to which the rule of expediency does not apply, in which a people, as well as an individual, must do justice, cost what it may. If I have unjustly wrested a plank from a drowning man, I must restore it to him though I drown myself. This, according to Paley, would be inconvenient. But he that would save his life, in such a case, shall lose it. This people must cease to hold slaves, and to make war on Mexico, though it cost them their existence as a people.

MPP6-182 PASSIVE COOPERATION WITH EVIL IS MORALLY INTOLERABLE

Henry David Thoreau, "Civil Disobedience," in *WALDEN AND CIVIL DISOBEDIENCE*, 1849, p.239.

Practically speaking, the opponents to a reform in Massachusetts are not a hundred thousand politicians at the South, but a hundred thousand merchants and farmers here, who are more interested in commerce and agriculture than they are in humanity, and are not prepared to do justice to the slave and to Mexico, cost what it may. I quarrel not with far-off foes, but with those who, near at home, cooperate with, and do the bidding of, those far away, and without whom the latter would be harmless.

MPP6-183 THERE IS A BASIC DUTY TO RESIST COMMUNITY OPPRESSION

Henry David Thoreau, *WALDEN AND CIVIL DISOBEDIENCE* (Riverside edition), 1849, p.241.

It is not a man's duty, as a matter of course, to devote himself to the eradication of any, even the most enormous, wrong, he may still properly have other concerns to engage him; but it is his duty, at least, to wash his hands of it, and, if he gives it no thought longer, not to give it practically his support. If I devote myself to other pursuits and contemplations, I must first see, at least, that I do not pursue them sitting upon another man's shoulders. I must get off him first, that he may pursue his contemplations too.

MPP6-184 PASSIVE SUPPORT FOR INJUSTICE IS ALSO IMMORAL

Henry David Thoreau, "Civil Disobedience," in *WALDEN AND CIVIL DISOBEDIENCE*, 1849, p.241-2.

I have heard some of my townsmen say, "I should like to have them order me out to help put down an insurrection of the slaves, or to march to Mexico; -- see if I would go"; and yet these very men have each, directly by their allegiance, and so indirectly, at least, by their money, furnished a substitute. The soldier is applauded who refuses to serve in an unjust war by those who do not refuse to sustain the unjust government which makes the war; is applauded by those whose own act and authority he disregards and sets at naught; as if the state were penitent to that degree that it hired one to scourge it while it sinned, but not to that degree that it left off sinning for a moment. Thus, under the name of Order and Civil Government, we are all made at last to pay homage to and support our own meanness. After the first blush of sin comes its indifference; and from immoral it becomes, as it were, unmoral, and not quite unnecessary to that life which we have made.

MPP6-185 IT'S NECESSARY TO ACT AGAINST INJUSTICE, NOT MERELY TOLERATE IT

Henry David Thoreau, "Civil Disobedience," in *WALDEN AND CIVIL DISOBEDIENCE*, 1849, p.242.

How can a man be satisfied to entertain an opinion merely, and enjoy it? Is there any enjoyment in it, if his opinion is that he is aggrieved? If you are cheated out of a single dollar by your neighbor, you do not rest satisfied with knowing that you are cheated, or with saying that you are cheated, or even with petitioning him to pay you your due; but you take effectual steps at once to obtain the full amount, and see that you are never cheated again. Action from principle, the perception and the performance of right, changes things and relations; it is essentially revolutionary, and does not consist wholly with anything which was. It not only divides States and churches, it divides families; ay, it divides the individual, separating the diabolical in him from the divine.

MPP6-186 THERE IS A DUTY TO RESIST COMMUNITY INJUSTICE

Henry David Thoreau, *WALDEN AND CIVIL DISOBEDIENCE* (Riverside edition), 1849, p.243.

If the injustice is part of the necessary friction of the machine of government, let it go, let it go: perchance it will wear smooth -- certainly the machine will wear out. If the injustice has a spring, or a pulley, or a rope, or a crank, exclusively for itself, then perhaps you may consider whether the remedy will not be worse than the evil; but if it is of such a nature that it requires you to be the agent of injustice to another, then, I say, break the law. Let your life be a counter friction to stop the machine -- what I have to do is to see, at any rate, that I do not lend myself to the wrong which I condemn.

MPP6-187 CIVIL DISOBEDIENCE IS EFFECTIVE

Henry David Thoreau, "Civil Disobedience," in *WALDEN AND CIVIL DISOBEDIENCE*, 1849, p.244.

I know this well, that if one thousand, if one hundred, if ten men whom I could name -- if ten honest men only -- ay, if one HONEST man, in this State of Massachusetts, ceasing to hold slaves, were actually to withdraw from this copartnership, and be locked up in the county jail therefor, it would be the abolition of slavery in America. For it matters not how small the beginning may seem to be: what is once well done is done forever.

MPP6-188 TAX RESISTANCE IS THE MOST DIRECT WAY OF OPPOSING GOVERNMENT

Henry David Thoreau, "Civil Disobedience," in *WALDEN AND CIVIL DISOBEDIENCE*, 1849, p.244.

I meet this American government, or its representative, the State government, directly, and face to face, once a year -- no more -- in the person of its tax-gatherer; this is the only mode in which a man situated as I am necessarily meets it; and it then says distinctly, Recognize me; and the simplest, the most effectual, and, in the present posture of affairs, the indispensablest mode of treating with it on this head, of expressing your little satisfaction with and love for it, is to deny it then. My civil neighbor, the tax-gatherer, is the very man I have to deal with -- for it is, after all, with men and not with parchment that I quarrel -- and he has voluntarily chosen to be an agent of the government.

MPP6-189 A MINORITY HAS POWER THROUGH FORCEFUL RESISTANCE

Henry David Thoreau, "Civil Disobedience," in *WALDEN AND CIVIL DISOBEDIENCE*, 1849, p.245.

If any think that their influence would be lost there, and their voices no longer afflict the ear of the State, that they would not be as an enemy within its walls, they do not know by how much truth is stronger than error, nor how much more eloquently and effectively he can combat injustice who has experienced a little in his own person. Cast your whole vote, not a strip of paper merely, but your whole influence. A minority is powerless while it conforms to the majority; it is not even a minority then; but it is irresistible when it clogs by its whole weight. If the alternative is to keep all just men in prison, or give up war and slavery, the State will not hesitate which to choose. If a thousand men were not to pay their tax-bills this year, that would not be a violent and bloody measure, as it would be to pay them, and enable the State to commit violence and shed innocent blood.

MPP6-190 THE MOST MINIMAL GOVERNMENT IS THE MOST DESIRABLE

Henry David Thoreau, "Civil Disobedience," in *WALDEN AND CIVIL DISOBEDIENCE*, 1849, p.235.

I HEARTILY ACCEPT the motto, "That government is best which governs least;" and I should like to see it acted up to more rapidly and systematically. Carried out, it finally amounts to this, which also I believe -- "That government is best which governs not at all;" and when men are prepared for it, that will be the kind of government which they will have.

MPP6-191 GOVERNMENT IS GENERALLY ABUSED

Henry David Thoreau, "Civil Disobedience," in *WALDEN AND CIVIL DISOBEDIENCE*, 1849, p.235.

Government is at best but an expedient; but most governments are usually, and all governments are sometimes, inexpedient. The objections which have been brought against a standing army, and they are many and weighty, and deserve to prevail, may also at last be brought against a standing government. The standing army is only an arm of the standing government. The government itself, which is only the mode which the people have chosen to execute their will, is equally liable to be abused and perverted before the people can act through it. Witness the present Mexican war, the work of comparatively a few individuals using the standing government as their tool; for, in the outset, the people would not have consented to this measure.

MPP6-192 EXCESSIVE DEFERENCE TO THE LAWS OF THE COMMUNITY LEADS TO INJUSTICE

Henry David Thoreau, *WALDEN AND CIVIL DISOBEDIENCE* (Riverside edition), 1849, p.236-7.

Law never made men a whit more just; and, by means of their respect for it, even the well-disposed are daily made the agents of injustice. A common and natural result of an undue respect for law is, that you may see a file of soldiers, colonel, captain, corporal, privates, powder-monkeys, and all, marching in admirable order over hill and dale to the wars, against their wills, ay, against their common sense and consciences, which makes it very steep marching indeed, and produces a palpitation of the heart. They have no doubt that it is a damnable business in which they are concerned; they are all peaceably inclined. Now, what are they? Men at all? Or small movable forts and magazines, at the service of some unscrupulous man in power?

MPP6-193 SLAVERY RENDERED THE GOVERNMENT OF THOREAU'S TIME ILLEGITIMATE

Henry David Thoreau, "Civil Disobedience," in *WALDEN AND CIVIL DISOBEDIENCE*, 1849, p.238.

How does it become a man to behave toward this American government today? I answer, that he cannot without disgrace be associated with it. I cannot for an instant recognize that political organization as my government which is the slave's government also.

MPP6-194 MAJORITY ACTION DOESN'T MAKE A DECISION MORAL

Henry David Thoreau, "Civil Disobedience," in *WALDEN AND CIVIL DISOBEDIENCE*, 1849, p.240.

A wise man will not leave the right to the mercy of chance, nor wish it to prevail through the power of the majority. There is but little virtue in the action of masses of men. When the majority shall at length vote for the abolition of slavery, it will be because they are indifferent to slavery, or because there is but little slavery left to be abolished by their vote. They will then be the only slaves. Only his vote can hasten the abolition of slavery who asserts his own freedom by his vote.

MPP6-195 VOTING ISN'T A MEANINGFUL MORAL EXPRESSION

Henry David Thoreau, *WALDEN AND CIVIL DISOBEDIENCE* (Riverside edition), 1849, p.240.

All voting is a sort of gaming, like checkers or backgammon, with a slight moral tinge to it, a playing with right and wrong, with moral questions; and betting naturally accompanies it. The character of the voters is not staked. I cast my vote, perchance, as I think right; but I am not vitally concerned that right should prevail. I am willing to leave it to the majority. Its obligation, therefore, never exceeds that of expediency. Even voting for the right is doing nothing for it. It is only expressing to men feebly your desire that it should prevail.

MPP6-196 ALLEGIANCE TO GOVERNMENT IS A BARRIER TO REFORM

Henry David Thoreau, "Civil Disobedience," in *WALDEN AND CIVIL DISOBEDIENCE*, 1849, p.242.

The broadest and most prevalent error requires the most disinterested virtue to sustain it. The slight reproach to which the virtue of patriotism is commonly liable, the noble are most likely to incur. Those who, while they disapprove of the character and measures of a government, yield to it their allegiance and support are undoubtedly its most conscientious supporters, and so frequently the most serious obstacles to reform.

MPP6-197 OPPOSITION TO SLAVERY IS RIGHT EVEN IF THE MAJORITY ACCEPTS IT

Henry David Thoreau, "Civil Disobedience," in *WALDEN AND CIVIL DISOBEDIENCE*, 1849, p.244.

I do not hesitate to say, that those who call themselves Abolitionists should at once effectually withdraw their support, both in person and property, from the government of Massachusetts, and not wait till they constitute a majority of one, before they suffer the right to prevail through them. I think that it is enough if they have God on their side, without waiting for that other one. Moreover, any man more right than his neighbors constitutes a majority of one already.

MPP6-198 DEMOCRATIC GOVERNMENT ISN'T THE ULTIMATE END

Henry David Thoreau, "Civil Disobedience," in *WALDEN AND CIVIL DISOBEDIENCE*, 1849, p.256.

The authority of government, even such as I am willing to submit to -- for I will cheerfully obey those who know and can do better than I, and in many things even those who neither know nor can do so well -- is still an impure one: to be strictly just, it must have the sanction and consent of the governed. It can have no pure right over my person and property but what I concede to it. The progress from an absolute to a limited monarchy, from a limited monarchy to a democracy, is a progress toward a true respect for the individual. Even the Chinese philosopher was wise enough to regard the individual as the basis of the empire. Is a democracy, such as we know it, the last improvement possible in government? Is it not possible to take a step further towards recognizing and organizing the rights of man?

MPP6-199 MAJORITY RULE IS BASED ON STRENGTH, NOT JUSTICE

Henry David Thoreau, "Civil Disobedience," in *WALDEN AND CIVIL DISOBEDIENCE*, 1849, p.236.

After all, the practical reason why, when the power is once in the hands of the people, a majority are permitted, and for a long period continue, to rule is not because they are most likely to be in the right, nor because this seems fairest to the minority, but because they are physically the strongest. But a government in which the majority rule in all cases cannot be based on justice, even as far as men understand it.

MPP6-200 THE INDIVIDUAL IS A HIGHER POWER THAN THE STATE

Henry David Thoreau, *WALDEN AND CIVIL DISOBEDIENCE* (Riverside edition), 1849, p.256.

There will never be a really free and enlightened State until the State comes to recognize the individual as a higher and independent power, from which all its own power and authority are derived, and treats him accordingly. I please myself with imagining a State at least which can afford to be just to all men, and to treat the individual with respect as a neighbor; which even would not think it inconsistent with its own repose if a few were to live aloof from it, not meddling with it, nor embraced by it, who fulfilled all the duties of neighbors and fellow-men. A State which bore this kind of fruit, and suffered it to drop off as fast as it ripened, would prepare the way for a still more perfect and glorious State, which also I have imagined, but not yet anywhere seen.

MPP6-201 THE COMMUNITY HAS NO RIGHT TO COERCE THE INDIVIDUAL

Henry David Thoreau, *WALDEN AND CIVIL DISOBEDIENCE* (Riverside edition), 1849, p.249.

Thus the State never intentionally confronts a man's sense, intellectual or moral, but only his body, his senses. It is not armed with superior wit or honesty, but with superior physical strength. I was not born to be forced. I will breathe after my own fashion. Let us see who is the strongest. What force has a multitude? They only can force me who obey a higher law than I.

MPP6-202 THOREAU STRESSED THE WEAKNESS OF DEMOCRATIC FORMS

Heinz Eulau, Professor of Political Science, Stanford, *THOREAU*, Sherman Paul, ed., 1962, p.119.

Thoreau went at all beyond Jefferson, it consisted in his attack on democracy. But, paradoxically, he attacked democracy not because it was strong; on the contrary, because it was weak. The American government, he wrote, "has not the vitality and force of a single living man; for a single man can bend it to his will." He refused to vote because he considered the democratic ballot an ineffective political instrument.

MPP6-203 FOR THOREAU, MAJORITY RULE ISN'T A STANDARD OF JUSTICE

Alan Crimes, Michigan State, *AMERICAN POLITICAL THOUGHT*, 1983, p.207.

Conscience rather than statute was the important standard of behavior to Thoreau; for government founded on expediency was frequently given to inexpedient actions. The fact that a statute had the sanction of the majority of the community behind it did not make that statute a just one. The sanction behind majority rule was force of numbers, and sheer power had no correlation with justice. "It is not desirable to cultivate a respect for the law," he wrote, "so much as for the right. The only obligation which I have a right to assume is to do at any time what I think right."

MPP6-204 FOR THOREAU, CIVIL DISOBEDIENCE MEANS NON-SUPPORT OF GOVERNMENT

Alan Crimes, Michigan State, *AMERICAN POLITICAL THOUGHT*, 1983, p.208.

This technique by which the right could bring the wrong into line, the few control the many, he called "civil disobedience." It amounted to nothing more than non-support to the government. It was, he admitted, a form of rebellion, but it was a passive sort of revolution. Refuse to pay taxes or in any manner give support to the government while it condones these iniquities. Go to jail, indeed clog the jails if necessary, for in an unjust state the only place for a just man is in jail, Superior morality would thus overcome superior number.

MPP6-205 THOREAU'S POLITICAL THOUGHT REMAINS GERMANE

Heinz Eulau, Professor of Political Science, Stanford, *THOREAU*, Sherman Paul, ed., 1962, p.117-8.

It is symptomatic of this dilemma, if a dilemma it is, that liberalism allows itself to be challenged by the metaphysical notion of individual moral conscience as a valid axiom of democratic Politics. It suggests, in part at least, why Henry David Thoreau, thou standing pretty much by the wayside of American life, is as germane, today as he ever was in the development of political thought. The one hundredth anniversary of his essay, "Civil Disobedience," is therefore only a fortuitous occasion to write about him. More pertinent, it seems, are the critical implications of his political ideas, absurd and inconsistent as they may appear.

MPP6-206 THOREAU'S THOUGHT IS COMPLEX

Heinz Eulau, Professor of Political Science, Stanford, *THOREAU*, Sherman Paul, ed., 1962, p.118-9.

It was the very perfection of his belief in the veracity of each man's soul and conscience as harbingers of some truth higher than human fiat that made inconsistency in his theory inevitable. Action from principle, he wrote in a prophetic sentence in "Civil Disobedience," "not only divides states and churches, it divides families; ay, it divides the individual, separating the diabolical in him from the divine." Within the short span of ten years, Thoreau, though holding to the same premise, would draw conclusions as opposite as passive resistance and violent action. Obviously, both his personality and ideas were complex. Any attempt to reduce them to simple, and hence simpleton, propositions is futile.

MPP6-207 THOREAU'S LIFE AT WALDEN WAS A SYMBOL OF THE SEARCH FOR INDIVIDUAL INTEGRITY

Heinz Eulau, Professor of Political Science, Stanford, THOREAU, Sherman Paul, ed., 1962, p.122.

"Civil Disobedience" differed from Walden in another respect. Walden was the report of a highly personalized experience. And in spite of its persuasiveness, its almost egocentric individualism made communication difficult. Only the most liberal imagination can perceive it for what it was: namely, the attempt of a sensitive spirit to discover his own integrity and convey this discovery, not to be imitated literally -- a mistake against which Thoreau himself explicitly warned, but to serve as a symbolic expression of man's need for finding his own integrity in whatever fashion seemed best. "I desire," he wrote, "that there be as many different persons in the world as possible; but I would have each one be very careful to find out and pursue his own way. . . ." As such, life at Walden Pond was a meaningful experiment, even though it was meaningless as a form of social living.

MPP6-208 THOREAU WASN'T AN ANARCHIST

Alan Crimes, Michigan State, AMERICAN POLITICAL THOUGHT, 1983, p.206-7.

It should be clear that Thoreau was not, as he is sometimes considered to be, an anarchist. He did not wish to abolish government even though he did advocate resistance to what he believed to be bad government. He wished to eliminate force as an instrument of government, but to do this he realized the prior necessity of eliminating those conditions which made the use of force necessary. He wished to help prepare man for that happy society in which each man would be fully governed by his own will and not that of another; governed by that conscience that would operate equally and effectively in all men. This was, perhaps, utopia reserved for the future, a time in which all men were virtuous; but, for the here and now, reform of character and reform of government rather than its abolition held the consequential priorities. Thus he stated, "Unlike those who call themselves no-government men, I ask for, not at once no government, but at once a better government."

MPP6-209 POSITIVE INDIVIDUALITY IS KEY TO A MEANINGFUL LIFE

George Kateb, political theorist, Princeton, THE INNER OCEAN, 1992, p.90.

Second, there is positive individuality: the word "autonomy" catches part but not all of the content of this notion. We have already taken up the preliminary sense, the view that existent conventions repress or distort powers or potentialities for valuable experience and praiseworthy conduct. More positively, one must take responsibility for oneself -- one's self must become a project, one must become the architect of one's soul. One's dignity resides in being, to some important degree, a person of one's own creating, making, choosing, rather than in being merely a creature or a socially manufactured, conditioned, manipulated thing: half-animal and half-mechanical and therefore wholly socialized. Living a life is not like going through motions. The encouragement of positive individuality is the encouragement of courage, so to speak: the courage to "live deliberately," as Thoreau puts it, so as not, when one came to die, discover that one had not lived. We all benefit if each is not penalized, but allowed and encouraged to be himself or herself. To be oneself means to have the courage not to hide oneself from oneself or others (to get out of the closet, as we say nowadays), or to have the courage to persist in a certain direction and not tire too soon, or to break out of one's pattern and start over again.

MPP6-210 DUTY TO ONE'S CONSCIENCE TRANSCENDS DUTY TO THE LAW

George Kateb, political theorist, Princeton, THE INNER OCEAN, 1992, p.88.

In the essay on civil disobedience, which Thoreau himself published under the title "Resistance to Civil Government," this advocacy of limited government is fully present. Confine government to what is expedient, says Thoreau. But if government tries to promote moral improvement by continuous activity it will degrade the people whom it is trying to improve by treating them as objects in need of repair. "That government is best which governs not at all." More important, if government commands what is seriously wrong -- as, for example, maintenance of slavery, or the extermination of Indians, or an unjust war of conquest, then it must be disobeyed. He says, "I was not born to be forced. I will breathe after my own fashion." And he says that if government "is of such a nature that it requires you to be the agent of injustice to another, then, I say, break the law.... What I have to do is to see, at any rate, that I do not lend myself to the wrong which I condemn."

MPP6-211 CONTRA THOREAU, WE CAN'T CHOOSE WHICH LAWS TO OBEY

Abe Fortas, former Supreme Court justice, CONCERNING DISSENT AND CIVIL DISOBEDIENCE, 1968, p.65.

Just as we expect the government to be bound by all laws, so each individual is bound by all of the laws under the Constitution. He cannot pick and choose. He cannot substitute his own judgment or passion, however noble, for the rules of law. Thoreau was an inspiring figure and a great writer, but his essay should not be read as a handbook on political science. A citizen cannot demand of his government or of other people obedience to the law, and at the same time claim a right in himself to break it by lawless conduct, free of punishment or penalty.

MPP6-212 THOREAU FAILED TO RECOGNIZE NECESSARY DISTINCTIONS OF DEGREE

Heinz Eulau, Professor of Political Science, Stanford, THOREAU, Sherman Paul, ed., 1962, p.120.

It appears that Thoreau could not fully discern that his metaphysical assumptions had to lead, almost necessarily, to ambiguous consequences when subjected to the test of practical politics. The essential weakness of the metaphysical premise is that it is absolutist as long as it deals with abstractions, just as it is relativistic when applied to unique and observable situations. Like his fellow idealists, Thoreau was incapable of recognizing those distinctions of degree which are politically decisive. He could not recognize them because he fell back, again and again, on the principle of individual conscience as the sole valid guide in political action.

MPP6-213 THOREAU'S POLITICS REST ON AN UNTENABLE METAPHYSICAL PREMISE

Heinz Eulau, Professor of Political Science, Stanford, THOREAU, Sherman Paul, ed., 1962, p.121-2.

All his protestations about "signing off" from human institutions to the contrary, "Civil Disobedience," in contrast to Walden, was a first indication of Thoreau's theoretical difficulties. It contained the seeds of its own denial, seeds which were fertilized by the untenable metaphysical premise of individual conscience as a criterion of collective action. In the very act of counseling and practicing individual resistance to and renunciation of government was implicit a growing sense of social responsibility which the hermit of Walden Pond could scarcely disclaim.

MPP6-214 THOREAU'S INDIVIDUALISM WAS OUT OF DATE EVEN IN ITS OWN DAY

Heinz Eulau, Professor of Political Science, Stanford, THOREAU, Sherman Paul, ed., 1962, p.122.

Thoreau was not, therefore, as Walden might suggest and some critics have said, an American exponent of the Rousseauist doctrine of the natural rights of man. His philosophy certainly lacked the liberating drive which Rousseau's individualism had in the eighteenth-century French context. Thoreau's individualism was, most interpreters agree, an inspired protest against the modern cult of progress, materialism and efficiency, with its deteriorating effect on the individual. But it was essentially out of date. Because it renounced industrialism rather than seeking to bring it under social control, Thoreau's individualism could not possibly find practical application. The moral and the morally real were at odds.

MPP6-215 THE "CIVIL DISOBEDIENCE" ESSAY DISPLAYS "DESPERATE CASUISTRY"

Heinz Eulau, Professor of Political Science, Stanford, THOREAU, Sherman Paul, ed., 1962, p.121.

Great as his hurry seemed in "Civil Disobedience," Thoreau remained, in fact, unpolitical. Actually, he did not wish to be bothered at all with the obnoxious phenomenon of slavery. He had other affairs to attend to. "I came into this world," he concluded, "not chiefly to make this a good place to live in, but to live in it, be it good or bad." Joseph Wood Krutch has aptly described this kind of reasoning as Thoreau's "sometimes desperate casuistry."

MPP6-216 THOREAU COULDN'T DEMONSTRATE AN OBJECTIVE GUIDE TO DETERMINING RIGHT

Heinz Eulau, Professor of Political Science, Stanford, THOREAU, Sherman Paul, ed., 1962, p.120.

Consequently, Thoreau had to postulate a (by democratic standards) curious distinction between law and right, with the explanation that one has to have faith in man, that each man can determine for himself what is right and just. Hence, no conflict is possible, so the argument goes, because law is law only if identical with right. Thoreau could not demonstrate, however, that there is, in case the majority is wrong, an objective criterion for assaying the correctness of an individual's or a minority's judgment.

MPP6-217 THOREAU ULTIMATELY FELL INTO A POLITICS OF EXPEDIENCY

Heinz Eulau, Professor of Political Science, Stanford, THOREAU, Sherman Paul, ed., 1962, p.130.

Thoreau's philosophy should warn us of the dilemma into which he fell and from which he could not escape because he returned time and again, to individual conscience as the "ultimate reality." His thought was full of ambiguity and paradox, and he did not realize sufficiently how contradictory and, in fact, dangerous the moral can be. Granted, he had no fear of consequences in disregarding the law. But, as Pascal observed, "he who would act the angel acts the brute." There is no virtue in accepting the consequences of an act because the premise from which they flow might be essentially good. Thoreau's politics suggests that it is a small step, indeed, from insistence on the principle of morality to insistence on the principle of expediency.

MPP6-218 THOREAU BECAME AWARE OF THE FUTILITY OF PEACEFUL DISOBEDIENCE

Heinz Eulau, Professor of Political Science, Stanford, THOREAU, Sherman Paul, ed., 1962, p.129.

In John Brown, Thoreau had found the man of principle whom he had anticipated in "Civil Disobedience," the man "who is a Man, and, as my neighbor says, has a bone in his back which you cannot pass your hand through!" That this abstract man of principle had changed from the passive resister envisaged in 1849 into the violent and very real actionist of 1859 suggests that Thoreau had become aware of the futility of peaceful disobedience as much as he was oblivious of the dangers inherent in the idea of "action from principle."

MPP6-219 THOREAU ULTIMATELY REJECTED PACIFICISM

Heinz Eulau, Professor of Political Science, Stanford, THOREAU, Sherman Paul, ed., 1962, p.128.

Thoreau could no longer subscribe to the quietist doctrine of "Civil Disobedience" with its counsel of escape. He fiercely excoriated all those who adhered to a nonviolent solution of social conflict. "What sort of violence is that," he now asked, "which is encouraged, not by soldiers, but by peaceable citizens, not so much by laymen as by ministers of the Gospel, not so much by the fighting sects as by the Quakers, and not so much by the Quaker men as by the Quaker women?" Here Thoreau squarely faced the question of resistance by force which modern pacifism, confronted with the infamies of totalitarian terror and violence, slave labor and concentration camps, fails to answer. Here, in essence, he returned to the age-old concept of the "just war," which modern quietists refuse to acknowledge. John Brown would "never have anything to do with any war," Thoreau intimated, "unless it were a war for liberty," expressing an opinion since challenged by competent historians.

MPP6-220 THOREAU ADMITTED ONLY VIOLENCE CAN COUNTER VIOLENCE

Heinz Eulau, Professor of Political Science, Stanford, THOREAU, Sherman Paul, ed., 1962, p.127-8.

Actually, however, "A Plea for Captain John Brown" was concerned with the slavery issue only indirectly. Thoreau undoubtedly felt its iniquity and the urgency of its solution most intensely, but his primary concern was again with justice and injustice, with principle and expediency, with truth and falsehood. "A Plea for Captain John Brown" is therefore more closely related to "Civil Disobedience" than to "Slavery in Massachusetts." It differed, however, from his first political essay in that Thoreau had abandoned his earlier quietist position. Violence was in the air. Almost everywhere in the nation men were girding themselves for the great conflict which would soon disrupt the Union. While it may have been his intention merely to bring his disagreement with the moderate Abolitionists into sharper focus by advocating violence before the peaceful alternatives had been exhausted, the end effect of "A Plea for Captain John Brown" was the admission of an inveterate moralist that violence can only be combatted by violence.

MPP6-221 THOREAU WAS WILLING TO EMBRACE VIOLENCE

Heinz Eulau, Professor of Political Science, Stanford, THOREAU, Sherman Paul, ed., 1962, p.127.

Just as nonviolent resistance as an instrument of politics is proper if the state interferes with an individual's principles, so violence can be justified. Given Thoreau's moral intransigence, it is not surprising to find that he would round out his basic position by eulogizing an event which only the most rabid Abolitionists supported as politically justifiable. John Brown, Thoreau came to believe, was not only right in holding that a man has "a perfect right to interfere by force with the slaveholder, in order to rescue the slave"; but the doctrine that the end justifies the means was given explicit expression: "I shall not be forward to think him mistaken in his method who quickest succeeds to liberate the slave." The decisive question, Thoreau finally felt, was not "about the weapon, but the spirit in which you use it." And he would write in his Journals: "I do not wish to kill nor to be killed, but I can foresee circumstances in which both these things would be by me unavoidable."

MPP6-222 THOREAU ACCEPTED THAT THE END JUSTIFIES THE MEANS AND REJECTED DEMOCRATIC COMPROMISE

Heinz Eulau, Professor of Political Science, Stanford, THOREAU, Sherman Paul, ed., 1962, p.127.

It is quite clear that Thoreau's mind was totally closed to the democratic conception of politics as a never-ending process of compromise and adjustment. As a matter of fact, if the politics of "action from principle," with its insistence on ends, is shorn of metaphysics, it appears as little more than the old and familiar doctrine that the end justifies the means. Comparison of "Civil Disobedience" and "A Plea for Captain John Brown" underlines the fact that in Thoreau's mind both passive resistance and violent action were right if employed toward the accomplishment of ends whose truth is predicated on the complete assumption of responsibility by the individual for his acts.

MPP6-223 THOREAU'S PARADOXES ARE POLITICALLY SELF-DEFEATING

Heinz Eulau, Professor of Political Science, Stanford, THOREAU, Sherman Paul, ed., 1962, p.126-7.

Paradox may serve the purpose of literary construction. In political theory it is self-defeating. Inasmuch as Thoreau's anarchism followed from the doctrine of the individual's duty to his conscience alone, it should lead to at least some mutual tolerance as an avenue to human cooperation. But Thoreau would carry the matter to absurdity. In a sentence remindful of the vicarious a-moralism of the later social Darwinians he wrote: I am not responsible for the successful working of the machinery of society.... I perceive that, when an acorn and a chestnut fall side by side, the one does not remain inert to make way for the other, but both obey their own laws, and spring and grow and flourish as best they can, till one, perchance, overshadows and destroys the other. If a plant cannot live according to its nature, it dies; and so a man.

MPP6-224 THOREAU'S POLITICS ARE PARADOXICAL

Heinz Eulau, Professor of Political Science, Stanford, THOREAU, Sherman Paul, ed., 1962, p.126.

As so many of his concepts, his truth is paradoxical. His moral absolutism, being so individualized, becomes relativistic. It is not surprising to find, therefore, that Thoreau envisaged various hierarchical levels of political evaluation. "Seen from a lower point of view," he wrote, "the Constitution, with all its faults, is very good; the law and the courts are very respectable; even this State and this American government are, in many respects, very admirable, and rare things, to be thankful for, such as a great many have described them; but seen from a point of view a little higher, they are what I have described them; seen from a higher still, and the highest, who shall say what they are, or that they are worth looking at or thinking of at all?"

MPP6-225 THOREAU EMBRACED A RADICALLY SUBJECTIVE CONCEPT OF TRUTH

Heinz Eulau, Professor of Political Science, Stanford, THOREAU, Sherman Paul, ed., 1962, p.126.

With all its new affirmations, "Slavery in Massachusetts" did not answer the question which is central from the point of view of political theory -- whether the practicality of political concepts can be assessed by any kind of objectively rational standard. It seems that Thoreau was neither willing nor able to develop such a criterion. Not even "truth" would serve that purpose. Truth, he wrote in "Civil Disobedience," "is always in harmony with herself, and is not concerned chiefly to reveal the justice that may consist with wrong-doing." In other words, the consequences of an act are separable and, indeed, must be separated from its nature. Even truth is thus reduced to being a matter of individual taste. Thoreau admitted the existence of other truths, but being altogether personal and private they did not permit contact or comparison with each other.

MPP6-226 THOREAU'S OPPOSITION TO SLAVERY WAS POLITICALLY NAIVE

Heinz Eulau, Professor of Political Science, Stanford, THOREAU, Sherman Paul, ed., 1962, p.125-6.

"Slavery in Massachusetts" was not a theoretical exercise in political philosophy. It concentrated its verbal fire on an evil situation. But it is indicative of Thoreau's political immaturity that he now went so far as to join the militant abolitionists in advocating the secession of Massachusetts from the union with the slave states. He was apparently quite unaware of the possibility that the consequences of such action might accentuate the evil which he sought to remedy. That is, permit slavery to continue unopposed elsewhere. In addition, he still confused what seemed to him the iniquity of law with the legal process itself. And though he spoke of breaking the law, of boycotting proslavery newspapers, of ousting ignorant politicians and seceding from the Union, it remains unclear just what specific political means Thoreau considered appropriate to achieve his objectives. He had almost given up passive resistance, but he had not completely accepted majority rule.

MPP6-227 THOREAU WAS A MORAL ABSOLUTIST

Alan Crimes, Michigan State, AMERICAN POLITICAL THOUGHT, 1983, p.207-8.

Thoreau was not troubled by the humbling notion that two rights might make two wrongs, that political questions are many-sided issues of claimed rights in conflict. For, he held, beneath the claims of numbers, of interests, of expediency, the basic issues revealed themselves, and these were moral issues. As such, under his conception of absolute morality, there could be only one right side of the question. Thus he felt that one need not wait for the sanction of a statute to take an action, or even for the support of a simple majority, for where God was on his side a man did not need the support of men. "Moreover, any man more right than his neighbors constitutes a majority of one already."

MPP6-228 THOREAU'S VIEWS WERE UTOPIAN

Alan Crimes, Michigan State, AMERICAN POLITICAL THOUGHT, 1983, p.209.

Civil disobedience thus amounted to passive resistance on the part of individuals who could no longer tolerate the decisions of their government. It would appear to put private claims above social claims, private rights above social duties. Thoreau, however, saw no conflict between private rights and public duties unless one side be in error. For in his utopian view of the universe, harmonious relations existed where all people acted rightly. Disharmony and conflict occurred only with the admittance of evil, or bad conscience, onto the scene. Thus his plea for individual conscience was at once a plea for such a public conscience that evil and ignorance might be banished and public duty would agree with private rights. Furthermore, he assumed, all individuals would agree on the specific requirements of their moral obligations. Thoreau, in his opposition to social conformity, thus clearly assumed an essential conformity of private conscience. He spoke for the minority of one, as others in American thought voiced the claims of class and sectional minorities. He emphasized the importance of the individual in society; he disdained the use of overt force and sought, like Mahatma Gandhi in India years later, civil disobedience as a means to give effect to moral values. Nevertheless, it does not appear that it ever occurred to Thoreau that men might disagree on moral values without someone being actually in the wrong.

MPP6-229 THOREAU WAS ANTI-DEMOCRATIC

Morris Leibman, CIVIL DISOBEDIENCE: AID OR HINDRANCE TO JUSTICE?, 1972, p.20-1.

This antidemocratic bias has in fact been openly conceded by the advocates of violation. Thoreau makes his full political philosophy very clear at the beginning of "On the Duty of Civil Disobedience." He is an anarchist, not a democrat: I heartily accept the motto -- "That government is best which governs least"; and I should like to see it acted up to more rapidly and systematically. Carried out, it finally amounts to this, which also I believe, -- "That government is best which governs not at all"; and when men are prepared for it, that will be the kind of government which they will have. The day that men are so prepared will be the day that men are angels.

MPP6-230 CIVIL DISOBEDIENCE IS MORALLY AND PRACTICALLY PROBLEMATIC

Alan Crimes, Michigan State, *AMERICAN POLITICAL THOUGHT*, 1983, p.209-10.

Civil disobedience, a modified form of the right of revolution, raises certain questions as to expediency and morality. For with the just men non-cooperative and in the jails, and the unjust men on the outside running the government, it might be questionable how much clogging of the machinery of government this minority could do. And, it might be further observed, the clogging technique introduces an element of compulsion into political affairs which puts force behind the lever of morality, or, in fact, any other cause. Essentially therefore Thoreau, opposed to compulsions, returned to this method as a means of political action. Such was, however, the necessary recourse until men were properly prepared for that stage in which an absolute morality governed all men and that government existed which governed not at all.

MPP6-231 ABSOLUTISM OF INDIVIDUAL CONSCIENCE IS UNJUSTIFIED

Sidney Hook, Professor of Philosophy, New York University, *REVOLUTION, REFORM, AND SOCIAL JUSTICE*, 1975, p.246.

The implications drawn from this moral commonplace by some ritualistic liberals are clearly absurd. For they have substituted for the absolutism of law, something very close to the absolutism of individual conscience. Properly rejecting the view that the law, no matter how unjust, must be obeyed in all circumstances, they have taken the view that the law is to be obeyed only when the individual deems it just or when it does not outrage his conscience. Fantastic comparisons are made between those who do not act on the dictates of their conscience and those who accepted and obeyed Hitler's laws. These comparisons completely disregard the systems of law involved, the presence of alternatives of action, the differences in the behavior commanded, in degrees of complicity of guilt, in the moral costs and personal consequences of compliance, and other relevant matters.

MPP6-232 INDIVIDUAL CONSCIENCE ISN'T INFALLIBLE

Sidney Hook, Professor of Philosophy, New York University, *REVOLUTION, REFORM, AND SOCIAL JUSTICE*, 1975, p.247-8.

Conscience by itself is not the measure of high or low moral ground. This is the work of reason. Where It functions properly the democratic process permits this resort to reason. If the man of conscience loses in the court of reason, why should he assume that the decision or the law is mistaken rather than the deliverances of his conscience? The voice of conscience may sound loud and clear. But it may conflict at times not only with the law but with another man's conscience. Every conscientious objector to a law knows that at least one man's conscience is wrong. viz.. the conscience of the man who asserts that his conscience tells him that he must not tolerate conscientious objectors. From this if he is reasonable he should conclude that when he hears the voice of conscience he is hearing not the voice of God, but the voice of a finite, limited man in this time and in this place, and that conscience is neither a special nor an infallible organ of apprehending moral truth, that conscience without conscientiousness, conscience which does not cap the process of critical reflective morality, is likely to be prejudice masquerading as a First Principle or a Mandate from Heaven.

MPP6-233 CONSCIENCE CAN'T BE INFALLIBLE

Sidney Hook, Professor of Philosophy, New York University, *REVOLUTION, REFORM, AND SOCIAL JUSTICE*, 1975, p.256.

The deliverances of conscience cannot all be infallible since every person who invokes his conscience must in principle believe that the deliverance of any other consciences declaring him to be an imposter is mistaken.

MPP6-234 CONSCIENCE ISN'T MORALLY AUTHORITATIVE

Sidney Hook, Professor of Philosophy, New York University, *REVOLUTION, REFORM, AND SOCIAL JUSTICE*, 1975, p.256.

There are other reasons for doubting the moral authority of deliverances of conscience:

- a) The consciences of past generations led to actions which in the perspective of later times seemed needlessly cruel. "Thou shalt not permit a witch to live."
- b) The consciences of present generations rarely speak up in many kinds of situations in which conduct is clearly morally wrong. For example, customs, income tax, the imposition of unnecessary suffering on sentient creatures consumed as food (vegetarianism).
- c) The multiplicity of complex moral problems -- housing patterns, bussing, punishment, the rights and limits of privacy -- on which conscience speaks either not at all or with an uncertain voice.

MPP6-235 FREEDOM OF INDIVIDUAL CONSCIENCE MAKES THE RULE OF LAW IMPOSSIBLE

John Dickinson, Professor of Political Science, Princeton, AN INTRODUCTION TO MORAL AND SOCIAL PHILOSOPHY, Jeffrie Murphy, ed., 1973, p.496-7.

Shall we admit that because of the limitations and dangers of positive law, freedom to break through it at the will of the individual who thinks himself right must be erected into a normal working-part of the system of government, available at all times, rather than kept in reserve in the form of an extra-legal power of revolution for use only as an abnormal safety-valve and last resort in exceptional cases of great oppression? This admission is in substance what is demanded by writers who are attacking the concept of sovereignty; they seem to be seeking primarily for a way to regularize and legalize disobedience to existing positive law. Of course this is really to make a regime of positive law impossible; for a law which can be legally broken at the will of the law-breaker can never be positive law in any intelligible sense.

MPP6-236 IT'S PRESUMPTUOUS TO PLACE INDIVIDUAL CONSCIENCE ABOVE THE WHOLE SYSTEM OF JUSTICE
 Morris Leibman, CIVIL DISOBEDIENCE: AID OR HINDRANCE TO JUSTICE?, 1972, p.17-8.

Under these circumstances it is grossly presumptuous for one man to attempt to justify the violation of a law simply because he, himself, deems that law to be unjust. No law exists which does not cause suffering to someone, even in such mundane areas as traffic, taxing and zoning. If we assume that no law can bring about perfect justice, then we must be particularly dedicated to a system of justice which seeks, even if it can never obtain, perfect justice.

MPP6-237 MORAL MOTIVES DON'T JUSTIFY CIVIL DISOBEDIENCE

Morris Leibman, CIVIL DISOBEDIENCE: AID OR HINDRANCE TO JUSTICE?, 1972, p.14.

Justifiable disobedience is allegedly

1. morally motivated,
2. performed openly and publicly,
3. accompanied by a willingness to accept the punishment, and
4. harmless to others.

Although these characterizations provide a superficial veneer of philosophic respectability, they do not withstand analysis. In the first place, there is simply no objective test for establishing either sincerity or morality of motive. Men do not lightly admit to evil motives, even to themselves. The example of modern tyrants demonstrates that mere dedication to a cause is no guarantee of moral value or righteous judgment. But those who plead morality as a reason for breaking the law also set themselves up as judges -- and the only judges -- of their own actions. In short, the question of moral justification is always disputable, never resolvable, and subject to the worst weaknesses of human passion. It provides no test for deciding when it might be acceptable to violate the law. Far less does it provide a yardstick for determining which laws ought to be violated.

MPP6-238 APPEAL TO INDIVIDUAL CONSCIENCE IS ULTIMATELY TOTALITARIAN

Morris Leibman, CIVIL DISOBEDIENCE: AID OR HINDRANCE TO JUSTICE?, 1972, p.22.

Professor Alexander M. Bickel of Yale University Law School has stated:

If most of the things that politics is about are not seen as existing somewhere in a middle distance, well this side of moral imperatives, if they are not seen as subject on both sides of a division of opinion to fallible human choice, then the only thing left to a society is to succumb to or be seized by a dictatorship of the self-righteous. I do not wish to overstate the case, but this seems to be inevitably the conclusion to which all those disenchanted and embittered simplifiers and moralizers must come. To be revolutionary in a society like ours, is to be totalitarian, or not to know what one is doing.

And what is the justification advanced for the extraordinary doctrine? My conscience, says the Reverend William Sloane Coffin, Jr., tells me that I am right. My opponents are wrong. My conscience tells me that I am on the side of the angels. My opponents are not. Therefore, I can ignore society's laws, although my opponents can claim no such privilege.

MPP6-239 DISOBEDIENCE TENDS TO SNOWBALL

Sidney Hook, Professor of Philosophy, New York University, REVOLUTION, REFORM, AND SOCIAL JUSTICE, 1975, p.247.

There is one point, however, which hits a particular relevance to the claims of those who counterpose to legal absolutism the absolutism of conscience. There is the empirically observable tendency for public disobedience to law to spread from those who occupy high moral ground to those who dwell on low moral ground with consequent growth of disorder and insecurity.

MPP6-240 CIVIL DISOBEDIENCE SNOWBALLS TO VIOLENCE

Morris Leibman, CIVIL DISOBEDIENCE: AID OR HINDRANCE TO JUSTICE?, 1972, p.24.

It has been suggested that nonviolence provides a socially acceptable method of political action. Many see nonviolence as a panacea. But nonviolent civil disobedience all too frequently entails violence. The Reverend William Sloane Coffin, Jr., himself stated in a previous debate in this series that nonviolent action was necessarily accompanied by a "certain amount of fringe violence." Thus begins a strange rationale that violence is socially acceptable.

MPP6-241 THERE IS A DISTINCTION BETWEEN CIVIL AND UNCIVIL DISOBEDIENCE

Sidney Hook, Professor of Philosophy, New York University, *REVOLUTION, REFORM, AND SOCIAL JUSTICE*, 1975, p.243.

More seriously, in the wake of civil disobedience there has occasionally developed uncivil disobedience, sometimes as a natural psychological development and often because of the failure of law enforcement agencies especially in the South to respect and defend legitimate expressions of social protest. The line between civil and uncivil disobedience is not only an uncertain and wavering one in practice, it has become so in theory. A recent prophet of the philosophy of the absurd in recommending civil disobedience as a form of creative disorder in a democracy, cited Shay's Rebellion as an illustration. This Rebellion was uncivil to the point of bloodshed. Indeed, some of the techniques of protesting American involvement in Vietnam have departed so far from traditional ways of civil disobedience as to make it likely that they are inspired by the same confusion between civil and uncivil disobedience.

MPP6-242 CIVIL DISOBEDIENCE IS GENERALLY A FORM OF COERCION

Ayn Rand, Objectivist philosopher, *THE AYN RAND LEXICON*, 1986, p.72.

The only power of a mob, as against an individual, is greater muscular strength -- i.e., plain, brute physical force. The attempt to solve social problems by means of physical force is what a civilized society is established to prevent. The advocates of mass civil disobedience admit that their purpose is intimidation. A society that tolerates intimidation as a means of settling disputes -- the physical intimidation of some men or groups by others -- loses its moral right to exist as a social system, and its collapse does not take long to follow. Politically, mass civil disobedience is appropriate only as a prelude to civil war -- as the declaration of a total break with a country's political institutions.

MPP6-243 CIVIL DISOBEDIENCE IS UNJUSTIFIED IF IT VIOLATES OTHERS' RIGHTS

Ayn Rand, Objectivist philosopher, *THE AYN RAND LEXICON*, 1986, p.71-2.

But there is no justification, in a civilized society, for the kind of mass civil disobedience that involves the violation of the rights of others regardless of whether the demonstrators' goal is good or evil. The end does not justify the means. No one's rights can be secured by the violation of the rights of others. Mass disobedience is an assault on the concept of rights: it is a mob's defiance of legality as such. The forcible occupation of another man's property or the obstruction of a public thoroughfare is so blatant a violation of rights that an attempt to justify it becomes an abrogation of morality. An individual has no right to do a "sit-in" in the home or office of a person he disagrees with -- and he does not acquire such a right by joining a gang. Rights are not a matter of numbers -- and there can be no such thing, in law or in morality, as actions forbidden to an individual, but permitted to a mob.

MPP6-244 CIVIL DISOBEDIENCE CAN UNDERMINE THE GENERAL SYSTEM OF RIGHTS

Sidney Hook, Professor of Philosophy, New York University, *REVOLUTION, REFORM, AND SOCIAL JUSTICE*, 1975, p.251.

Finally, there is such a thing as historical timing. Democrats who resort to civil disobedience must ask themselves whether the cumulative consequences of their action may in the existing climate of opinion undermine the peace and order on which the effective exercise of other human rights depend. This is a cost which one may be willing to pay but which must be taken into the reckoning.

MPP6-245 CIVIL DISOBEDIENCE HARMS OTHERS AND UNDERMINES JUSTICE

Morris Leibman, *CIVIL DISOBEDIENCE: AID OR HINDRANCE TO JUSTICE?*, 1972, p.16-7.

Finally, the argument that such violations cause no harm to others is untenable. Illegal public acts do both immediate and long-term harm to society. The cases of harm done to specific individuals by recent acts of disobedience are too numerous to recount in the space and time provided. Secondary harm has also been done to an even vaster number of specific individuals in the forms of higher costs, lost opportunities, and various restrictions on individual freedoms. Judge Learned Hand once remarked that "When Plato tried to define justice he found that he could not stop short of building a commonwealth. No concept would answer which did not comprise the sum of the citizens' relations to the state at large." Violations of the law constitute a direct attack on those relations, and therefore undermine the building of a just society.

MPP6-246 CIVIL DISOBEDIENCE UNDERMINES AN OPEN SOCIETY

Morris Leibman, *CIVIL DISOBEDIENCE: AID OR HINDRANCE TO JUSTICE?*, 1972, p.22-3.

Professor Alexander M. Bickel has pointed out that the fabric of society is held together by agreement on means, which are equally available or foreclosed to all.... When whole bushels of desires and objectives are conceived as moral imperatives, then, of course, it is natural to seek their achievement by any means. There is no need to fear that the same means will be open for use by others, because the objectives of those others are bad and unacceptable whatever the means used to attain them. And then government in freedom and an open society are impossible. Another major vice in the theory of civil disobedience is the terrible threat of zealotry and self-righteousness. This theory is inhumane, selfish, bigoted and arrogant. It claims that most members of the citizenry should be dominated and subdued because they are irredeemably benighted and incapable of comprehending the truth. They must, therefore, be redeemed by a self-anointed elite.

MPP6-247 ANARCHY SHOULD BE AVERTED EVEN AT THE COST OF LEVIATHAN

James Buchanan, Professor of Economics, Virginia Polytechnic, *ANARCHISM*, J. Rowland Pennock and John Chapman, eds., 1978, p.40.

By contrast, in the basic Hobbesian vision, or in any paradigm that is derivative from this, anarchy is not a state to be desired at all. Life for the individual in genuine anarchy is indeed predicted to be "poor, nasty, brutish, and short." The Hobbesian jungle is something to be avoided, and something that rational self-interested persons will seek to avoid through general agreement on law, along with requisite enforcement institutions, even if, in the extreme, the contract may be irreversible and Hobbes's Leviathan may threaten.

MPP6-248 HOBBS WAS RIGHT—LACK OF FORMALIZED RULES MEANS THE LAW OF THE JUNGLE

James Buchanan, Professor of Economics, Virginia Polytechnic, *ANARCHISM*, J. Rowland Pennock and John Chapman, eds., 1978, p.39.

The only alternative seems to be found in the distribution of limits on individuals, spheres of action that would be found in the total absence of formalized rules, that is, in genuine Hobbesian anarchy. In this setting, some "equilibrium," some sustainable distribution of allowable activities would emerge. This distribution would depend on the relative strengths and abilities of persons to acquire and to maintain desirable goods and assets. The "law of the jungle" would be controlling, and no serious effort could be made to attribute moral legitimacy to the relative holdings of persons.

MPP6-249 A THE RISK OF TYRANNY IS LESS THAN THE RISK OF CIVIL WAR

C.B. McPherson, Professor of Political Economy, University of Toronto, introduction to Thomas Hobbes' *LEVIATHAN*, 1968, p.47-8.

The most practical objection Hobbes foresaw, and the most obvious one, was that the people, having utterly subordinated themselves to a sovereign power, would be reduced to a condition of impotence which, since they would still be appetitive beings, they could not be expected to put up with : '... a man may here object, that the Condition of Subjects is very miserable; as being obnoxious to the lusts, and other irregular passions of him, or them that have so unlimited a Power in their hands.' His immediate answer to this objection was the simple one 'that the estate of Man can never be without some incommmodity or other; and that the greatest, that in any form of Government can possibly happen to the people in general is scarce sensible, in respect of the miseries, and horrible calamities, that accompany a Civill Warre ...' He went on to argue that sovereigns would not try to damage their subjects, because the sovereign's strength consists in the vigour of the subjects.

MPP6-250 ANARCHY WOULD DESTROY SOCIAL PRODUCTIVITY

C.B. McPherson, Professor of Political Economy, University of Toronto, introduction to Thomas Hobbes' *LEVIATHAN*, 1968, p.40-1.

He introduces, in Chapter XIII of *Leviathan*, a hypothetical condition generally called 'the state of nature'. (Hobbes does not call it that in *Leviathan* though he does in the *Rudiments*.) This hypothetical condition is what would exist if there were no common power able to restrain individuals, no law and no law-enforcement. Given what he has already shown about man's necessary behaviour in society, it is easy for him to show that if all restraint were removed every man would constantly be open to violent invasion of his life and property. As a result, civilized life would be impossible, and any life risky. There would be no place for Industry; because the fruit thereof is uncertain: and consequently no Culture of the Earth; no Navigation, nor use of the commodities that may be imported by Sea; no commodious Building; no Instruments of moving, and removing such things as require much force; no Knowledge of the face of the Earth; no account of Time; no Arts; no Letters, no Society; and which is worst of all, continuall feare, and danger of violent death; And the life of man, solitary, poore, nasty, brutish, and short.

MPP6-251 SOVEREIGN POWER SHOULD BE ABSOLUTE

Thomas Hobbes, *LEVIATHAN* (Penguin Edition), 1651, p.260.

So that is appeareth plainly, to my understanding, both from Reason, and Scripture, that the Sovereign Power, whether placed in One [107] Man, as in Monarchy, or in one Assembly of men, as in Popular, and Aristocraticall Common-wealths, is as great, as possibly men can be imagined to make it. And though of so unlimited a Power, men may fancy many evill consequences, yet the consequences of the want of it, which is perpetuall warre of every man against his neighbour, are much worse. The condition of man in this life shall never be without Inconveniences; but there happeneth in no Common-wealth any great Inconvenience, but what proceeds from the Subjects disobedience, and breach of those Covenants, from which the Common-wealth hath its being. And whosoever thinking Sovereign Power too great, will seek to make it lesse; must subject himselfe, to the Power, that can limit it; that is to say, to a greater.

MPP6-252 DIVIDING SOVEREIGN POWER DESTROYS IT

Thomas Hobbes, *LEVIATHAN* (Penguin Edition), 1651, p.368.

There is a Sixth doctrine, plainly, and directly against the essence of a Common-wealth; and 'tis this, That the Sovereign Power may be divided. For what is it to divide the Power of a Commonwealth, but to Dissolve it; for Powers divided mutually destroy each other. And for these doctrines, men are chiefly beholding to some of those, that making profession of the Lawes, endeavour to make them depend upon their own learning, and not upon the Legislative Power.

MPP6-253 INSUFFICIENT POWER IN A SOVEREIGN IS WORSE THAN TOO MUCH

Thomas Hobbes, *LEVIATHAN* (Penguin Edition), 1651, p.238-9.

But a man may here object, that the Condition of Subjects is very miserable; as being obnoxious to the lusts, and other irregular passions of him, or them that have so unlimited a Power in their hands. And commonly they that live under a Monarch, think it the fault of Monarchy; and they that live under the government of Democracy, or other Sovereign Assembly, attribute all the inconvenience to that forme of Common-wealth; whereas the Power in all formes, if they be perfect enough to protect them, is the same; not considering that the estate of Man can never be without some incommmodity or other; and that the greatest, that in any forme of Government can possibly happen to the people in generall, is scarce sensible, in respect of the miseries, and horrible calamities, that accompany a Civill Warre; or that dissolute condition of masterlesse men, without subjection to Lawes, and a coercive Power to tie their hands from rapine, and revenge: nor considering that the greatest pressure of Sovereign Governours, proceedeth not from any delight, or profit they can expect in the damage, or weakening of their Subjects, in whose vigor, consisteth their own strength and glory; but in the restiveness of themselves, that unwillingly contributing to their own defence, make it necessary for their Governours to draw from them what they call in time of Peace, that they may have means on any emergent occasion, or sudden need, to resist, or take advantage on their Enemies. For all men are by nature provided of notable multiplying glasses, (that is their Passions and Self-love,) through which, every little payment appeareth a great grievance; but are destitute of those prospective glasses, (namely Morall and Civill Science,) to see a farre off the miseries that hang over them, and cannot without such payments be avoyded.

MPP6-254 THE SOVEREIGN HAS POWER OVER QUESTIONS OF WAR AND PEACE

Thomas Hobbes, *LEVIATHAN* (Penguin Edition), 1651, p.233-3.

And because the End of this Institution, is the Peace and Defence of them all; and whosoever has right to the End, has right to the Means; it belongeth of Right, to whatsoever Man, or Assembly that hath the Sovereignty, to be Judge both of the meanes of Peace and Defence; and also of the hindrances, and disturbances of the same; and to do whatsoever he shall think necessary to be done, both before hand, for the preserving of Peace and Security, by prevention of Discord at home and [91], Hostility from abroad; and, when Peace and Security are lost, for the recovery of the same.

MPP6-255 POLITICAL OBLIGATION IS OWED TO WHOEVER HAS POWER

Michael Lessnoff, Professor of Politics, University of Glasgow, *SOCIAL CONTRACT*, 1986, p.56.

All obligation of obedience, indeed, depends on the sovereign's power, and when he loses it, he loses his authority also. Our obligation is always to the ruler with effective power (on which peace depends). A sovereign who acquires power by force, possibly by overthrowing a previous government, has exactly the same authority, and is owed the same obligation, as a sovereign established by an original or other contract (HL, 272,252). The rationale of his authority is exactly the same, and the fact that he may have acquired his power by illegal and unjust means - means which Hobbes unreservedly condemns - is irrelevant. It was doctrines such as these that permitted Hobbes to rally to Cromwell in 1651, and made him so suspect to royalists and political traditionalists generally.

MPP6-256 EQUITY REQUIRES THAT NO PERSON BE HIS OWN JUDGE

Thomas Hobbes, *LEVIATHAN* (Penguin Edition), 1651, p.213-4.

And seeing every man is presumed to do all things in order to his own benefit, no man is a fit Arbitrator in his own cause: and if he were never so fit; yet Equity allowing to each party equall benefit, if one be admitted to be Judge, the other is to be admitted also; & so the controversie, that is, the cause of War, remains, against the Law of Nature.

MPP6-257 REASON REQUIRES SACRIFICING THE RIGHT TO AGGRESS

Thomas Hobbes, *LEVIATHAN* (Penguin Edition), 1651, p.190.

From this Fundamentall Law of Nature, by which men are commanded to endeavour Peace, is derived this second Law; That a man be willing, when others are so too, as farre-forth, as for Peace, and [65] defence of himselfe he shall think it necessary, to lay down this right to all things; and be contented with so much liberty against other men, as he would allow other men against himselfe. For as long as every man holdeth this Right, of doing any thing he liketh; so long are all men in the condition of Warre. But if other men will not lay down their Right, as well as he; then there is no Reason for any one, to devest himselfe of his: For that were to expose himselfe to Prey, (which no man is bound to) rather than to dispose himselfe to Peace.

MPP6-258 FULFILLING ONE'S COVENANTS IS A LAW OF NATURE

Thomas Hobbes, *LEVIATHAN* (Penguin Edition), 1651, p.201-2.

From that law of Nature, by which we are obliged to transferre to another, such Rights, as being retained, hinder the peace of Mankind, there followeth a Third; which is this, That men performe their Covenants made: without which Covenants are in vain, and but Empty words; and the Right of all men to all things remaining, wee are still in the condition of Warre. And in this law of Nature, consisteth the Fountain and Originall of JUSTICE. For where no Covenant hath preceded, there hath no Right been transferred, and every man has right to every thing; and consequently, no action can be Unjust. But when a Covenant is made, then to break it is Unjust: And the definition of INJUSTICE, is no other than the not Performance of Covenant. And whatsoever is not Unjust, is Just.

MPP6-259 MEANINGFUL COMMUNITY REQUIRES MAJORITY RULE

John Locke, *SECOND TREATISE OF GOVERNMENT*, (Hackett Edition), 1690, p.52.

For when any number of men have, by the consent of every individual, made a community, they have thereby made that community one body, with a power to act as one body, which is only by the will and determination of the majority: for that which acts any community, being only the consent of the individuals of it, and it being necessary to that which is one body to move one way; it is necessary the body should move that way whither the greater force carries it, which is the consent of the majority: or else it is impossible it should act or continue one body, one community, which the consent of every individual that united into it, agreed that it should; and so every one is bound by that consent to be concluded by the majority. And therefore we see, that in assemblies, impowered to act by positive laws, where no number is set by that positive law which impowers them, the act of the majority passes for the act of the whole, and of course determines, as having, by the law of nature and reason, the power of the whole.

MPP6-260 THE CONTRACT IMPLIES SUBMISSION TO MAJORITY RULE

John Locke, *SECOND TREATISE OF GOVERNMENT*, (Hackett Edition), 1690, p.52-3.

And thus every man, by consenting with others to make one body politic under one government, puts himself under an obligation, to every one of that society, to submit to the determination of the majority, and to be concluded by it; or else this original compact, whereby he with others incorporates into one society, would signify nothing, and be no compact, if he be left free, and under no other ties than he was in before in the state of nature. For what appearance would there be of any compact? what new engagement if he were no farther tied by any decrees of the society, than he himself thought fit, and did actually consent to? This would be still as great a liberty, as he himself had before his compact, or any one else in the state of nature hath, who may submit himself, and consent to any acts of it if he thinks fit.

MPP6-261 SINCE UNANIMITY IS IMPOSSIBLE, MAJORITY RULE MUST PREVAIL

John Locke, *SECOND TREATISE OF GOVERNMENT*, (Hackett Edition), 1690, p.53.

For if the consent of the majority shall not, in reason, be received as the act of the whole, and conclude every individual; nothing but the consent of every individual can make any thing to be the act of the whole: but such a consent is next to impossible ever to be had, if we consider the infirmities of health, and avocations of business, which in a number, though much less than that of a common-wealth, will necessarily keep many away from the public assembly. To which if we add the variety of opinions, and contrariety of interests, which unavoidably happen in all collections of men, the coming into society upon such terms would be only like Cato's coming into the theatre, only to go out again. Such a constitution as this would make the mighty Leviathan of a shorter duration, than the feeblest creatures, and not let it outlast the day it was born in: which cannot be supposed, till we can think, that rational creatures should desire and constitute societies only to be dissolved for where the majority cannot conclude the rest, there they cannot act as one body, and consequently will be immediately dissolved again.

MPP6-262 LOCKE'S MAJORITY RULE PRINCIPLE IS THE MOST REASONABLE ONE AVAILABLE

Vicente Medina, Professor of Philosophy, Bergen Community College, *SOCIAL CONTRACT THEORIES: POLITICAL OBLIGATION OR ANARCHY?*, 1990, p.40.

It is important to notice that Locke uses the principle of majority rule as a procedural and normative principle. This principle derives its moral force from the fact that each person, according to Locke, has an equal right to liberty, which means that no one by nature has any authority over anyone else. Yet, it can be argued against Locke that the fact that we all have equal rights to liberty does not tell us which principle of decision-making ought to be adopted. It is conceivable that people could voluntarily consent to be governed by the will of a single person or a group of persons rather than by majority rule, provided that this person or group of persons does not violate their natural rights. But, according to Locke, this is not a legitimate alternative because, by trying to avoid anarchy, we are leaving the door open for tyranny. That the majority will tyrannize the minority is less likely than the opposite. That being the case, the principle of majority rule seems to be a more reasonable principle to adopt than any other alternative.

MPP6-263 CONSENT IS THE ONLY BASIS FOR LAWFUL GOVERNMENT

John Locke, *SECOND TREATISE OF GOVERNMENT*, (Hackett Edition), 1690, p.53.

Whosoever therefore out of a state of nature unite into a community, must be understood to give up all the power, necessary to the ends for which they unite into society, to the majority of the community, unless they expressly agreed in any number greater than the majority. And this is done by barely agreeing to unite into one political society, which is all the compact that is, or needs be, between the individuals, that enter into, or make up a commonwealth. And thus that, which begins and actually constitutes any political society, is nothing but the consent of any number of freemen capable of a majority to unite and incorporate into such a society. And this is that, and that only, which did, or could give beginning to any lawful government in the world.

MPP6-264 UNDER THE SOCIAL CONTRACT, THE INTERESTS OF THE SOVEREIGN AND THE SUBJECT ARE IDENTICAL

Jean-Jacques Rousseau, *THE SOCIAL CONTRACT* (Penguin Edition), 1762, p.63.

Now, as the sovereign is formed entirely of the individuals who compose it, it has not, nor could it have, any interest contrary to theirs; and so the sovereign has no need to give guarantees to the subjects, because it is impossible for a body to wish to hurt all of its members, and, as we shall see, it cannot hurt any particular member. The sovereign by the mere fact that it is, is always all that it ought to be.

MPP6-265 ROUSSEAU'S INNOVATION WAS TO MAKE SOVEREIGNTY A PERMANENT POSSESSION OF THE PEOPLE

Jeremy Jennings, Professor of Politics, University of Wales, *THE SOCIAL CONTRACT FROM HOBBS TO RAWLS*, David Boucher and Paul Kelly, eds., 1994, p.117.

What marked Rousseau out from his predecessors was that they, unlike him, saw active sovereignty as being only the people's temporary possession, as something that was to be handed over to the appropriate authority as soon as possible, only rarely (and in some cases never) to be reclaimed. Pufendorf, for example, even went so far as to define the handing over of the right to govern by a defeated people as a meaningful form of consent. Not only was Rousseau unwilling to grant that sovereignty could be given away either under duress or by tacit agreement but also he even opposed its voluntary and unforced transfer. Sovereignty, in short, was not like a piece of property that could be freely disposed of: it was an inalienable possession, part of the individual's very humanity. Rousseau's contribution, as Robert Derathe has argued, was therefore to attribute not only the origin but also the exercise of sovereignty to the people.

MPP6-266 MAJORITY RULE MUST PREVAIL UNDER THE CONTRACT

Jean-Jacques Rousseau, *THE SOCIAL CONTRACT* (Penguin Edition), 1762, p.153-4.

Apart from this original contract, the votes of the greatest number always bind the rest; and this is a consequence of the contract itself. Yet it may be asked how a man can be at once free and forced to conform to wills which are not his own. How can the opposing minority be both free and subject to laws to which they have not consented? I answer that the question is badly formulated. The citizen consents to all the laws, even to those that are passed against his will, and even to those which punish him when he dares to break any one of them. The constant will of all the members of the state is the general will; it is through it that they are citizens and free. When a law is proposed in the people's assembly, what is asked of them is not precisely whether they approve of the proposition or reject it, but whether it is in conformity with the general will which is theirs; each by giving his vote gives his opinion on this question, and the counting of votes yields a declaration of the general will. When, therefore, the opinion contrary to my own prevails, this proves only that I have made a mistake, and that what I believed to be the general will was not so. If my particular opinion had prevailed against the general will, I should have done something other than what I had willed, and then I should not have been free.

MPP6-267 FOR ROUSSEAU, SOVEREIGNTY IS ABSOLUTE BUT LIMITED

Maurice Cranston, Professor of Political Science, London School of Economics, introduction to Rousseau's *THE SOCIAL CONTRACT*, 1968, p.38.

Rousseau borrows from Hobbes the argument that sovereignty is an absolute power; it cannot be divided and remain sovereign; and it cannot be subject to 'fundamental laws' and remain sovereign. At the same time Rousseau takes from Locke and the jurists the notion that sovereignty is limited. Sovereignty is absolute, but not unlimited. The limits are those imposed by natural law and by the considerations of public good. 'Sovereignty does not pass the bounds of public advantage.' As an example of what Rousseau means by a natural law limitation, we may note his argument in the *Social Contract* that no agreement to enter into slavery could be a valid one because any agreement which is wholly to the advantage of one party and wholly to the disadvantage of the other is void in natural law.

MPP6-268 IN ROUSSEAU'S SOCIAL CONTRACT, SOVEREIGNTY REMAINS WITH THE PEOPLE

Maurice Cranston, Professor of Political Science, London School of Economics, introduction to Rousseau's *THE SOCIAL CONTRACT*, 1968, p.29-30.

In this argument, we can detect a striking departure from the 'social contract' theorists who preceded Rousseau. The jurists and Hobbes and Locke all rejected the well-established theories that sovereignty was based on nature or on divine right, and they all argued in one way or another, that sovereignty derived its authority from the assent of the people. But these earlier theorists also held that sovereignty was transferred from the people to the ruler as a result of the social contract. Rousseau is original in holding that no such transfer of sovereignty need or should take place: sovereignty not only originates in the people; it ought to stay there.

MPP6-269 ROUSSEAU CHAMPIONS DEMOCRACY AND POPULAR SOVEREIGNTY

Maurice Cranston, Professor of Political Science, London School of Economics, introduction to Rousseau's *THE SOCIAL CONTRACT*, 1968, p.31.

Rousseau is undoubtedly a democrat in the sense that 'democracy' means legislative rule by the whole body of the citizens; but as he himself used the word in another sense, it might be less confusing to speak of him as a 'republican' or champion of 'popular sovereignty'. One of the reasons why he distinguishes so carefully between the legislative sovereign body and the executive or administrative body is his consciousness of the abiding danger to the legislative which the administrative body constitutes.

MPP6-270 CITIZENS HAVE A DUTY OF OBEDIENCE, THE SOVEREIGN HAS A DUTY NOT TO UNNECESSARILY IMPOSE ON CITIZENS

Jean-Jacques Rousseau, *THE SOCIAL CONTRACT* (Penguin Edition), 1762, p.74-5.

We have agreed that each man alienates by the social pact only that part of his power, his goods and his liberty which is the concern of the community; but it must also be admitted that the sovereign alone is judge of what is of such concern. Whatever services the citizen can render the state, he owes whenever the sovereign demands them; but the sovereign, on its side, may not impose on the subjects any burden which is not necessary to the community; the sovereign cannot, indeed, even will such a thing, since according to the law of reason no less than to the law of nature nothing is without a cause.

MPP6-271 LEGITIMATE GOVERNMENT REQUIRES RULE OF LAW

Jean-Jacques Rousseau, *THE SOCIAL CONTRACT* (Penguin Edition), 1762, p. 82.

Many state which is ruled by law I call a 'republic', whatever the form of its constitution; for then, and then alone, does the public interest govern and then alone is the 'public thing' the *res publica* - a reality. All legitimate government is 'republican', I shall explain later what government is.

MPP6-272 WHEN GOVERNMENT ISN'T RULED BY LAW, THE SOCIAL CONTRACT IS DISSOLVED

Jean-Jacques Rousseau, *THE SOCIAL CONTRACT* (Penguin Edition), 1762, p.133.

The dissolution of the state may take place in two ways. First it takes place when the prince ceases to administer the state according to the law and usurps the sovereign power. Then a remarkable change occurs; for it is not the government but the state which contracts - by which I mean that the state as a whole is dissolved and another is formed inside it, one composed only of members of the government and having no significance for the rest of the people except that of a master and a tyrant. Now, at the moment the government usurps sovereignty, the social pact is broken, and all the ordinary citizens, recovering by right their natural freedom, are compelled by force, but not morally obliged, to obey.

MPP6-273 LAW IS MORALLY BINDING ON MINORITIES

Maurice Cranston, Professor of Political Science, London School of Economics, introduction to Rousseau's *THE SOCIAL CONTRACT*, 1968, p.37-8.

Why should I abide by the decision of the majority? Because by the deed of the social contract itself, to which everyone subscribes and pledges (there is no question of a majority here; you either subscribe or you are not in civil society at all), everyone agrees to accept the decision of the majority in the formulation of the law. But it is also understood that the members of the majority whose decision is accepted do not ask themselves what do I, as an individual, demand, but what does the general will demand; thus it is the majority interpretations of the general will which is binding and not the majority will. This is how it can be morally obligatory for the minority to accept.

MPP6-274 LAW IS ESSENTIAL TO LIBERTY

Maurice Cranston, Professor of Political Science, London School of Economics, introduction to Rousseau's *THE SOCIAL CONTRACT*, 1968, p.32.

In his *Lettres écrites de la montagne* (published two years after the *Social Contract*) he provides the most succinct account of what he means by this key word: Liberty consists less in doing one's own will than in not being subject to that of another; it consists further in not subjecting the will of others to our own.... In the common liberty no one has a right to do what the liberty of any other forbids him to do; and true liberty is never destructive of itself. Thus liberty without justice is a veritable contradiction.... There is no liberty, then, without laws, or where any man is above the laws.... A free people obeys, but it does not serve; it has magistrates, but not masters; it obeys nothing but the laws, and thanks to the force of the laws, it does not obey men. It is partly because of this intimate connexion between liberty and law that the freedom of man in a state of nature is so inferior. The freedom of the savage is no more than independence; although Rousseau speaks of the savage being subject to natural law, he also suggests that the savage has no consciousness of natural law; thus Rousseau can speak of a man being 'transformed', as a result of his entry into civil society, from a brutish into a human, moral being.

MPP6-275 LAW IS NEEDED TO PRODUCE JUSTICE

Hans Reiss, Professor of German, University of Bristol, *KANT'S POLITICAL WRITINGS*, 1970, p.21

If politics results in law, what then, are Kant's principles of politics? They are substantially the principles of right (*Recht*). The philosophical enquiry into politics must establish which political actions are just or unjust. It must show by what principles we can establish the demands of justice in a given situation. Justice must, however, be universal, but only law can bring it about.

MPP6-276 MORALITY REQUIRES THE RULE OF LAW

Hans Reiss, Professor of German, University of Bristol, KANT'S POLITICAL WRITINGS, 1970, p.20

For Kant, a theory of politics (which, for him, amounts in the main to a metaphysics of law) is inevitably a part of a metaphysics of morality. This is so because politics deals with the question of what we ought to do in our social and political context, or in other words, it is concerned with establishing criteria by which we can settle public conflicts of interests. The principle of universality demands that our social and political relations should be governed and our public conflicts settled in a universal manner. This requires the existence of law.

MPP6-277 HUMAN FULFILLMENT REQUIRES A SOCIETY OF LAWS

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.45-6

The highest purpose of nature - i.e. the development of all natural capacities - can be fulfilled for mankind only in society, and nature intends that man should accomplish this, and indeed all his appointed ends, by his own efforts. This purpose can be fulfilled only in a society which has not only the greatest freedom, and therefore a continual antagonism among its members, but also the most precise specification and preservation of the limits of this freedom in order that it can co-exist with the freedom of others. The highest task which nature has set for mankind must therefore be that of establishing a society in which freedom under external laws would be combined to the greatest possible extent with irresistible force, in other words of establishing a perfectly just civil constitutions.

MPP6-278 FREEDOM CAN ONLY EXIST UNDER LAW

Hans Reiss, Professor of German, University of Bristol, KANT'S POLITICAL WRITINGS, 1970, p.28

For Kant, the Idea of the social contract also implies the necessity of a civil constitution. While it is necessary and obligatory, as he believes, to establish a civil constitution, it is also the greatest practical problem for mankind to attain this end; for only in a civil society, universally administering right according to law, can freedom exist.

MPP6-279 REPUBLICAN CONSTITUTIONALISM IS THE GOAL OF HISTORY

Hans Reiss, Professor of German, University of Bristol, KANT'S POLITICAL WRITINGS, 1970, p.37

We may, indeed we ought to improve the existing system of laws by criticism, so that it may approach the system of laws which ought to prevail in accordance with the principles of right. These aims are not chimerical; for the goal towards which history is moving is the establishment of a republican civil constitution. Since it is an ideal, it is not possible to realise it completely, but it can be approached.

MPP6-280 INDIVIDUALS HAVE AN ABSOLUTE DUTY TO OBEY THE STATE

Immanuel Kant, German Philosopher, KANT'S POLITICAL WRITINGS, 1970, p.81

It thus follows that all resistance against the supreme legislative power, all incitement of the subjects to violent expressions of discontent, all defiance which breaks out into rebellion, is the greatest and most punishable crime in a commonwealth, for it destroys its very foundations. This prohibition is absolute. And even if the power of the state or its agent, the head of state, has violated the original contract by authorizing the government to act tyrannically, and has thereby, in the eyes of the subject, forfeited the right to legislate, the subject is still not entitled to offer counter-resistance. The reason for this is that the people, under an existing civil constitution, has no longer any right to judge how the constitution should be administered. For if we suppose that it does have this right to judge and that it disagrees with the judgement of the actual head of state, who is to decide which side is right?

MPP6-281 OBEYING ALL LAWS IS A MORAL DUTY

Hans Reiss, Professor of German, University of Bristol, KANT'S POLITICAL WRITINGS, 1970, p.24

The sovereign has not only rights, but also duties. He thus has not only the right but also the duty to coerce his subjects by the giving of laws; it is, however, his (moral) duty to treat his subjects as ends and not as means. Kant here is not entirely clear. It is not at all certain whether he refers to the sovereign (legislature) or to the ruler (executive). The sovereign (according to him) can never do wrong; whatever the laws given by him are, they have to be obeyed.

MPP6-282 THE RIGHT OF REBELLION IS SELF-CONTRADICTORY

Hans Reiss, Professor of German, University of Bristol, KANT'S POLITICAL WRITINGS, 1970, p.31

According to Kant, the case against rebellion is unambiguous. The people cannot possess a right to rebel. There can be no power to determine what constitutes the right to rebel. Rebellion would upset the whole system of laws. It would create anarchy and violence. It would also destroy the civil constitution which the idea of the social contract demands. For if a constitution contained an article permitting a people to rebel or to depose a sovereign, a second sovereign would thereby be established. This event would be a contradiction. It would, in fact, require a further, third sovereign to decide between the two, which is absurd. There cannot therefore be in a constitution a clause giving any one a right to resist or to rebel against supreme authority. The idea of the civil constitution must be sacred and irresistible. To overthrow the sovereign or the ruler is not only wrong but will also fail to achieve its end; for it does not produce a true reform of thought.

MPP6-283 THE SOCIAL CONTRACT BINDS ITS MEMBERS EVEN TO A CORRUPT STATE

Howard Williams, Professor of Political Theory, University of Wales, *THE SOCIAL CONTRACT FROM HOBBS TO RAWLS*, David Boucher and Paul Kelly, eds., 1994, p.140.

We are bound by the social contract and the idea of a general will even if we think the state is corrupt. To loosen ourselves as citizens from the ties of such an idea can only make the problems of political legitimacy and social order worse. Rather than lend aid to disruption we should throw in our hand behind a reforming sovereign. As Lessnoff astutely notes, for Kant this conclusion follows naturally from the idea of the social contract.

MPP6-284 KANT REJECTS ILLEGAL MEANS OF POLITICAL REFORM

Howard Williams, Professor of Political Theory, University of Wales, *THE SOCIAL CONTRACT FROM HOBBS TO RAWLS*, David Boucher and Paul Kelly, eds., 1994, p.139.

But change should not be brought about forcibly. In a legally founded state illegal means of achieving political reform are wholly ruled out by Kant. The participation that a member of a state enjoys in the united general will which maintains the society's solidarity is ideal. The general will cannot be turned into a positive political power separate and hostile to the government. This would imply that the government had ceased to function on behalf of the general will. To try to make it reform by taking violent action would lead to a futile and dangerous confrontation. A bad government has to be persuaded of its duties.

MPP6-285 KANT REJECTS VIOLENT RESISTANCE TO THE SOVEREIGN

Howard Williams, Professor of Political Theory, University of Wales, *THE SOCIAL CONTRACT FROM HOBBS TO RAWLS*, David Boucher and Paul Kelly, eds., 1994, p.134.

Kant's political theory allows no scope for violent resistance to an established sovereign. The sovereign does not incur any perfect or enforceable duties from the social contract. Rather the sovereign incurs an imperfect (not legally enforceable) duty to exercise rule as though a social contract were in force. When a sovereign body fails to act in accordance with the spirit of the social contract, subjects are in no position to remove it. They may criticize through public utterances in writing or in print but they have nonetheless to obey.

MPP6-286 KANT REJECTS A RIGHT OF REBELLION

Vicente Medina, Professor of Philosophy, Bergen Community College, *SOCIAL CONTRACT THEORIES: POLITICAL OBLIGATION OR ANARCHY?*, 1990, p.79.

Kant, like Hobbes, believes that the concept of the right of rebellion would be a self-contradictory concept. All rights can be exercised, according to him, only within political society or the state, and the supreme authority of the state is the sovereign. If sovereigns were to recognize a right of rebellion on the part of the people, they would be contradicting the nature of their station in society. If somebody other than the sovereign can judge and act against the sovereign, then the latter would not be the ultimate authority in society. Therefore, for Kant, the concept of sovereignty is all-or-nothing; whoever possesses it has the ultimate unchallengeable authority in the state.

MPP6-287 HUMANS NEED A MASTER

Vicente Medina, Professor of Philosophy, Bergen Community College, *SOCIAL CONTRACT THEORIES: POLITICAL OBLIGATION OR ANARCHY?*, 1990, p.68.

Kant also believes, like Hobbes, that individuals are in need of a master. Given his concept of human beings as egoistic and contentious, this seems a reasonable assumption. He writes: Man is an animal that, if he lives among other members of his species, has need of a master. For he certainly abuses his freedom in relation to his equals. He thereby proceeds to argue, in the spirit of Rousseau: He [man] thus requires a master who will break his self-will and force him to obey a universally valid will, whereby everyone can be free.

MPP6-288 KANT'S CONCEPT OF THE SOCIAL CONTRACT IS TO GUIDE LEGISLATORS,

Michael Lessnoff, Professor of Politics, University of Glasgow, *SOCIAL CONTRACT*, 1986, p.91.

Rather, for Kant the idea of the possible social contract is to be taken as a guide by legislators and rulers; it is certainly not to be used by subjects as an excuse for resistance or disobedience.

MPP6-289 SOCRATES ACCEPTED THE DUTY OF CIVIL OBEDIENCE

Milton Konvitz, Cornell, *LAW AND PHILOSOPHY*, Sidney Hook, ed., 1964, p.20-1.

First, I find it difficult to see that the argument of fair play is connected intimately only with constitutional democracy. Perhaps I can make this point by referring to the argument of Socrates in the *Crito* when his friends tried to persuade him to escape from prison. He put his arguments into the mouth of the Laws and Constitution of Athens, who essentially said that by running away Socrates would not be acting in accordance with the rules of fair play. "Do you imagine," said the Constitution and Laws, "that a city can continue to exist and not be turned upside down, if the legal judgments which are pronounced in it have no force but are nullified and destroyed by private persons? . . . Was there provision for this in the agreement between you and us, Socrates?" The argument continues that it was by the laws that Socrates' parents were married and that he was their legitimate son; that by them his parents were compelled to give him a decent upbringing and an education. "Are you not grateful for those of us Laws which were instituted for this end?" The tenor of the Socratic argument for obedience of the laws is in the spirit of Professor Rawls, yet Socrates does not try to base the argument of fairness on the proposition that it somehow flows out of the logic of constitutional democracy. It flows perhaps out of the fact that one lives in a society, regardless of its political form.

MPP6-290 THE STATE HAS PRIORITY OVER THE INDIVIDUAL

Aristotle, *THE POLITICS*, Penguin Books, 1981, p.60-1.

Furthermore, the state has a natural priority over the household and over any individual among us. For the whole must be prior to the part. Separate hand or foot from the whole body, and they will no longer be hand or foot except in name, as one might speak of a 'hand' or 'foot' sculptured in stone. That will be the condition of the spoilt hand, which no longer has the capacity and the function which define it. So, though we may say they have the same names, we cannot say that they are, in that condition, the same things. It is clear then that the state is both natural and prior to the individual. For if an individual is not fully self-sufficient after separation, he will stand in the same relationship to the whole as the parts in the other case do. Whatever is incapable of participating in the association which we call the state, a dumb animal for example, and equally whatever is perfectly self-sufficient and has no need to (e.g. a god), is not a part of the state at all.

MPP6-291 THE GOOD OF THE COMMUNITY TAKES PRECEDENCE OVER THE GOOD OF THE INDIVIDUAL

Aristotle, *THE ETHICS OF ARISTOTLE* (Penguin Books), 1976, p.64.

For even if the good of the community coincides with that of the individual, it is clearly a greater and more perfect thing to achieve and preserve that of a community; for while it is desirable to secure what is good in the case of an individual, to do so in the case of a people or a state is something finer and more sublime.

MPP6-292 JUSTICE REQUIRES LAW

Aristotle, *THE ETHICS OF ARISTOTLE* (Penguin Books), 1976, p.188.

For justice is only found among those whose mutual relations are controlled by law, and law is only found among those who are liable to injustice; for legal justice consists in distinguishing between what is just and what is unjust.

MPP6-293 LAWS ARE NEEDED TO ENFORCE RIGHTS AND PROTECT JUSTICE

Mortimer Adler, Director, Institute for Philosophical Research, *ARISTOTLE FOR EVERYBODY*, 1978, p.106.

That is why laws are made to prescribe what the members of a state should or should not do in order to deal justly with one another. If everyone had the habit of being just in all his dealings with others, there would be no need for such laws or for their enforcement by the state. But since few individuals are perfectly just, and since some are habitually inclined to be unjust, laws that prescribe just conduct must be enforced by the state to prevent one individual from seriously injuring another by violating his or her rights.

MPP6-294 RULE OF LAW IS NEEDED TO CHECK DEMAGOGUES

Aristotle, *THE POLITICS*, Penguin Books, 1981, p.250.

It is the demagogues who bring about this state of affairs. When states are democratically governed according to law, there are no demagogues, and the best citizens are securely in the saddle; but where the laws are not sovereign, there you find demagogues. The people becomes a monarch, one person composed of many, for the many are sovereign, not as individuals but as an aggregate.

MPP6-295 OBEDIENCE TO LAW IS KEY TO JUSTICE

Aristotle, *THE ETHICS OF ARISTOTLE* (Penguin Books), 1976, p.173.

Since the lawless man is, as we saw, unjust, and the law-abiding man just, it is clear that all lawful things are in some sense just; because what is prescribed by legislation is lawful, and we hold that every such ordinance is just.

MPP6-296 RULE OF LAW IS NEEDED TO CHECK DESPOTISM

Aristotle, *THE ETHICS OF ARISTOTLE* (Penguin Books), 1976, p.188.

But injustice implies unjust conduct (although unjust conduct does not always imply injustices); and this consists in assigning to oneself too much of what is generally good and too little of what is generally bad. That is why we do not allow a man to rule, but the principle <of law>; because a man does so for his own advantage, and becomes a despot, whereas the ruler is the upholder of justice, and if of justice, of equality.

MPP6-297 RULE OF LAW SHOULD PREVAIL

Aristotle, *THE POLITICS*, Penguin Books, 1981, p.206.

These matters may be regarded as settled in that way; but we must look back at our original problem, from which nothing emerges so clearly as the fact that the laws if rightly established ought to be sovereign and also that officials whether individually or as a body ought to have sovereign power to act in all those various matters about which the laws cannot possibly give detailed guidance; for it is never easy to frame general regulations covering every particular.

MPP6-298 ARISTOTLE STRESSES THE NEED FOR LEGAL AND MORAL FLEXIBILITY

R.A. Gauthier, French philosopher, *ARISTOTLE'S ETHICS: ISSUES AND INTERPRETATIONS*, James Walsh and Henry Shapiro, eds., 1967, p.27.

No doubt this insistence is explained in part by the very nature of ethical subject-matter; as changing and elusive as life itself, it is not easily enclosed in rigid frameworks, and one must restrict oneself to more flexible formulae which the circumstances will make precise. The law, Aristotle says neatly, can never be anything but a leaden rule, such as the stone masons of Lesbos use: it must be able to take the shape of the twists and turns of life.

MPP6-299 MEMBERSHIP IN THE STATE ISN'T OPTIONAL
Michael Lessnoff, Professor of Politics, University of Glasgow, *SOCIAL CONTRACT*, 1986, p.99-100.

The mistake of contract theory, according to Hegel, is to conceive of the state as if it were an aspect of civil society. 'The state', he asserts, 'is not contract at all, nor is its fundamental essence the unconditional protection and guarantee of the life and property of members of the public as individuals'. To suppose that it is, Hegel suggests, is grossly to underrate the value of the state as such, to deny its true 'majesty and absolute authority', even (Hegel says) its divinity. Its only membership in the state which gives the individual his true individuality. The state is far too important to be considered the property of its individual members, or a mere means to advance their ends. Membership of the state is not, for the individual, something 'optional' (as the contractarian idiom suggests), but is his 'supreme duty'. Hence the state has 'supreme right against the individual' (emphasis added); as a 'higher entity', it is entitled to demand of the individual sacrifice of his 'very life and property'.

MPP6-300 THE STATE ISN'T A VOLUNTARY ASSOCIATION

Vicente Medina, Professor of Philosophy, Bergen Community College, *SOCIAL CONTRACT THEORIES: POLITICAL OBLIGATION OR ANARCHY?*, 1990, p.140.

According to Hegel, since individuals are born as members of a particular state, they have no right to decide whether they want to be citizens of it. He contends that "the rational end of man is life in the state, and if there is no state there, reason at once demands that one be founded." Consequently, for Hegel the state is an imperative of reason rather than, as the contractarians maintain, a voluntary association. The state, according to Hegel, is a necessary condition for the concrete realization of the positive freedom of each citizen.

MPP6-301 THE STATE IS AN END IN ITSELF--IT CAN'T DEPEND ON INDIVIDUAL CHOICE

Bruce Haddock, Lecturer in Politics, University of Wales, *THE SOCIAL CONTRACT FROM HOBBS TO RAWLS*, David Boucher and Paul Kelly, eds., 1994, p.150.

But if it is wrong to base the state on the contingent wills of individuals, will in a different sense is nevertheless the basis of the state. Individuals acquire self-awareness in an institutional framework and by degrees, recognize that institutional framework as the public face of their personal identities. Hegel describes the state as 'the actuality of the substantial will, an actuality which it possesses in the particular self-consciousness when this has been raised to its universality'. Crucially, however, the will in question here is 'rational in and for itself' and the state which embodies it is an 'absolute and unmoved end in itself'. What Hegel cannot allow is that an unmoved end in itself, the necessary condition for the fulfillment of individuals, should be dependent upon individual caprice.

MPP6-302 THE INDIVIDUAL FINDS FULFILLMENT THROUGH THE STATE

Vicente Medina, Professor of Philosophy, Bergen Community College, *SOCIAL CONTRACT THEORIES: POLITICAL OBLIGATION OR ANARCHY?*, 1990, p.122.

The individual finds a place first as a member of a family in an ethical order, and later as a member of a corporation or guild in civil society. Ultimately, the individual finds dignity or substantive freedom as a member of the state. It is through being a citizen of a particular state that the individual is somebody; it is through the state that the individual is able to concretize the notion of freedom. The state, as Hegel sees it, is a necessary condition for the realization of individual as well as universal freedom. He writes: The state is the actuality of the ethical Idea.... The state exists immediately in custom, mediately in individual self-consciousness, knowledge, and activity, while self-consciousness in virtue of its sentiment towards the state finds in the state, as its essence and the end and product of its activity, its substantive freedom. Consequently, the state as the concrete embodiment of universal freedom "has supreme right against the individual, whose supreme duty is to be a member of the state." The state, according to Hegel, is absolutely rational. If this is so, then the individual members of the state are rational insofar as they perform their duties--insofar as they are positively free.

MPP6-303 LIFE IN THE STATE IS THE RATIONAL END OF HUMAN LIFE

Vicente Medina, Professor of Philosophy, Bergen Community College, *SOCIAL CONTRACT THEORIES: POLITICAL OBLIGATION OR ANARCHY?*, 1990, p.123-4.

Similarly, Hegel contends that "the rational end of men is life in the state, and if there is no state there, reason at once demands that one be founded." This is compatible with Kant's ideas; but Hegel goes one step further by defending the view that the foundation of the state is an imperative of reason, since the state is necessary for the concrete realization of the freedom of each citizen.

MPP6-304 THE RIGHTS OF THE STATE OUTWEIGH THE RIGHTS OF INDIVIDUALS

Vicente Medina, Professor of Philosophy, Bergen Community College, *SOCIAL CONTRACT THEORIES: POLITICAL OBLIGATION OR ANARCHY?*, 1990, p.119-20.

Yet freedom as Idea is dialectical: it has a form and a content. Form corresponds to the abstract universality of the will as our ability to choose. Content can be private, when it is concerned with the interests of particular persons, or public, when it is concerned with the common good. Accordingly, when there is a conflict or collision of rights, as Hegel puts it, the realm of the public, the right of the state, overrides the private realm, the abstract rights of persons.

MPP6-305 THE SOCIAL ETHICS OF THE PUBLIC REALM TAKE PRECEDENCE OVER PRIVATE ETHICS

Vicente Medina, Professor of Philosophy, Bergen Community College, *SOCIAL CONTRACT THEORIES: POLITICAL OBLIGATION OR ANARCHY?*, 1990, p.120-1.

Public right, as the embodiment of objective freedom, takes precedence over private right, as the embodiment of subjective freedom. This recognizes ethical life or social ethics as the supremacy of the public realm over and above the private realm. "Ethical life is the concept of freedom developed into the existing world and the nature of self-consciousness." This concept of freedom is expressed through the valid laws and the institutions of a particular community. The members of this community are objectively free to the extent to which they recognize these laws and institutions as binding upon them, to the extent, that is, to which they recognize them as duties.

MPP6-306 POSITIVE SOCIAL FREEDOM IS MORE IMPORTANT THAN NEGATIVE FREEDOMS AGAINST SOCIETY

Vicente Medina, Professor of Philosophy, Bergen Community College, *SOCIAL CONTRACT THEORIES: POLITICAL OBLIGATION OR ANARCHY?*, 1990, p.121-2.

It is important to notice that for Hegel "freedom," understood in the metaphysical sense as the ability to choose, has a negative connotation. This kind of freedom can be called negative or subjective freedom in contrast to substantive or positive freedom. The latter is a higher form of freedom: substantive or positive freedom is the recognition and fulfillment of our duties in a just ethical community. It is the fulfillment of our potentialities as essentially free beings. Thus, even though metaphysical freedom logically precedes the realization of substantive or positive freedom, the latter has priority from an axiological perspective. Hegel points this out when he argues: The right of individuals to be subjectively destined to freedom is fulfilled when they belong to an actual ethical order, because their conviction of their freedom finds its truth in such an objective order, and it is in an ethical order that they are actually in possession of their own essence or their own inner universality. Consequently, in an ethical order, Hegel contends, "right and duty coalesce . . . a man has rights insofar as he has duties, and duties insofar as he has rights." This means that if we are free in the positive sense, we have a right to do our duty. And our duties will depend on the position that we occupy in the ethical order (society) and on the kind of ethical order we belong to.

MPP6-307 PRIVATE RIGHTS DEPEND ON PUBLIC RIGHTS

Vicente Medina, Professor of Philosophy, Bergen Community College, *SOCIAL CONTRACT THEORIES: POLITICAL OBLIGATION OR ANARCHY?*, 1990, p.141.

The second Hegelian objection against contractarianism seems fatal. According to Hegel, contractual relations are valid within the realm of private rights (contractual and property rights) among individuals in civil society, but from this it does not follow that the contractarian paradigm can be applied to the foundation and legitimacy of the state. This paradigm is defective because the validity of private rights is parasitic upon the validity of public rights as defined by the laws and institutions of the state. If the realm of private rights is parasitic upon the realm of public rights, then the former cannot legitimize (morally justify) the latter. In fact, the opposite is true: the legitimization of private rights depends upon and is determined by the realm of public rights.

MPP6-308 PRIVATE CONTRACTUAL RIGHTS CAN'T DETERMINE PUBLIC RIGHTS

Vicente Medina, Professor of Philosophy, Bergen Community College, *SOCIAL CONTRACT THEORIES: POLITICAL OBLIGATION OR ANARCHY?*, 1990, p.124.

Hegel argues that contractual relations are valid within the realm of private rights and civil society. But it does not follow this paradigm can be applied to the foundation and legitimacy of the state, because the validity of private rights (contractual and property rights) is parasitic upon the validity of public rights as defined by the laws and institutions of the state. Bobbio puts it succinctly when he states that Hegel's objection to contractarianism is logical rather than historical. If the realm of private rights is parasitic upon the realm of public rights, then the former cannot legitimize (morally justify) the latter. The opposite is true; the moral justification of private rights depends upon and is determined by the realm of public rights.

MPP6-309 POLITICAL RELATIONSHIPS ARE PRIMARY, CONTRACTUAL ONES SECONDARY

David Boucher and Paul Kelly, Professors of Politics, University of Wales, *THE SOCIAL CONTRACT FROM HOBBS TO RAWLS*, 1994, p.23.

The state is not, for Hegel, a contractual relation designed to protect the property rights of individuals, nor is it to be deemed the private property of the monarch. From early in his writings Hegel was contemptuous of 'the form of such an inferior relation as the contractual one [having] forced its way into the absolute majesty of the ethical totality'. A contractual relationship, he later argues, 'is a casual tie arising from the subjective need and choice of the parties'. The political relationship is qualitatively different in that it is absolutely necessary, objective and released from considerations of choice or caprice.

MPP6-310 GANDHI WOULD'VE FAILED IF CONFRONTED BY A TRULY EVIL ADVERSARY

Hannah Arendt, political philosopher, *ON VIOLENCE*, 1970, p.53.

In a head-on clash between violence and power, the outcome is hardly in doubt. If Gandhi's enormously powerful and successful strategy of nonviolent resistance had met with a different enemy--Stalin's Russia, Hitler's Germany, even prewar Japan, instead of England--the outcome would not have been decolonization, but massacre and submission.

MPP6-311 GANDHI WOULD HAVE FAILED IN THE FACE OF TOTALITARIANISM

Michael Walzer, political philosopher, Princeton, *JUST AND UNJUST WARS*, 1977, p.332.

Win his "Reflections on Gandhi," George Orwell points out the importance of exemplary leadership and wide publicity in a nonviolent campaign and wonders whether such a campaign would even be possible in a totalitarian state. "It is difficult to see how Gandhi's methods could be applied in a country where opponents of the regime disappear in the middle of the night and are never heard from again." Nor would civilian resistance work well against invaders who sent out squads of soldiers to kill civilian leaders, who arrested and tortured suspects, established concentration camps, and exiled large numbers of people from areas where the resistance was strong to distant and desolate parts of the country. Nonviolent defense is no defense at all against tyrants or conquerors ready to adopt such measures. Gandhi demonstrated this truth, I think by the perverse advice he gave to the Jews of Germany: that they should commit suicide rather than fight back against Nazi tyranny. Here nonviolence, under extreme conditions, collapses into violence directed at oneself rather than at one's murderers, though why it should take that direction I cannot understand.

MPP6-312 EVEN GANDHI WAS FORCED TO RELY ON COERCION

Douglas Lackey, Professor of Philosophy, City College of New York, *THE ETHICS OF WAR AND PEACE*, 1989, p.15.

Another problem for Gandhi concerns the relationship between violence and coercion. To coerce people is to make them act against their will, for fear of the consequences they will suffer if they do not obey. Coercion, then, is a kind of spiritual violence, directed against the imagination and will of the victim. The "violence" most conspicuously rejected by Gandhi--pushing, shoving, striking with hands, the use of weapons, the placing of bombs and explosives--is essentially physical violence, directed against the bodies of opponents. But if physical violence against bodies is spiritually corrupting, psychological violence directed at the will of opponents must be even more corrupting. In his writings Gandhi condemned coercion. Yet in practice he can hardly be said to have renounced psychological coercion.

MPP6-313 GANDHIAN NON-VIOLENCE FAILS EVEN IN SPIRITUAL TERMS

Douglas Lackey, Professor of Philosophy, City College of New York, *THE ETHICS OF WAR AND PEACE*, 1989, p.15.

India did not adopt the creed of nonviolence after the British left in 1948, and it is hardly likely that any modern nation-state will organize its international affairs along Gandhian lines. But none of this affects the validity of Gandhi's arguments, which indicate how things ought to be, not how they are. We have seen that Gandhi's principles do not falter in the face of situations in which taking one life can save lives on balance. But what of situations in which the sacrifice of spiritual purity by one will prevent the corruption of many souls? Suppose, for example, that a Gandhian believes (on good evidence) that a well-timed commando raid will prevent a nation from embarking on an aggressive war, a war that would inflame whole populations with hatred for the enemy. Wouldn't a concern with one's own spiritual purity in such a situation show an immoral lack of concern for the souls of one's fellow men?

MPP6-314 CIVIL DISOBEDIENCE IS PARTISAN AND NOT UNIVERSAL

Morris Leibman, *CIVIL DISOBEDIENCE: AID OR HINDERANCE TO JUSTICE?*, 1972, p.21-2.

The advocates of civil disobedience insist upon license which they would not permit to their opponents. The police, it seems, are to arrest members of the Ku Klux Klan, but not members of the Weathermen. Laws may be violated if, and only if, one is a member of the elite. As Howard Zinn has put this fantastic theory, civil disobedience would be allowed for programs of "liberal" reform, but "reactionary" civil disobedience would not be tolerated.' And Mr. Zinn will be the judge.

MPP6-315 THERE IS A DUTY OF OBEDIENCE TO LAW

Abe Fortas, former Supreme Court justice, *CONCERNING DISSENT AND CIVIL DISOBEDIENCE*, 1968, p.24.

Each of us owes a duty of obedience to law. This is a moral as well as a legal imperative. So, first, we must seek to know which methods of protest are lawful: What are the means of opposition and dissent that are permissible under our system of law and which, therefore, will not subject us to punishment by the state and will not violate our duty of obedience to law?

MPP6-316 LAW IS THE INDISPENSABLE PRECONDITION OF LIBERTY

Abe Fortas, former Supreme Court justice, *CONCERNING DISSENT AND CIVIL DISOBEDIENCE*, 1968, p.117-8.

The achievement of liberty is man's indispensable condition of living; and yet, liberty cannot exist unless it is restrained and restricted. The instrument of balancing these two convicting factors is the law. So we must end as we began, with an acknowledgment that the rule of law is the essential condition of individual liberty as it is of the existence of the state.

MPP6-317 OUR FORM OF LIFE DEPENDS ON SUBORDINATION TO LAW

Abe Fortas, former Supreme Court justice, *CONCERNING DISSENT AND CIVIL DISOBEDIENCE*, 1968, p.64-5.

We are a government and a people under law. It is not merely government that must live under law. Each of us must live under law. Just as our form of life depends upon the government's subordination to law under the Constitution, so it also depends upon the individual's subservience to the laws duly prescribed. Both of these are essential.

MPP6-318 THERE IS A DUTY TO SERVE THE STATE IN WAR

Abe Fortas, former Supreme Court justice, *CONCERNING DISSENT AND CIVIL DISOBEDIENCE*, 1968, p.37-8.

The right of the government to compel service in the armed forces is based upon Article I, Section 8, of the Constitution, which authorizes the Congress to raise armed forces. From time immemorial, service in the armed forces, however onerous and distasteful, has been regarded as an obligation which the state may impose because of citizenship or residence.

MPP6-319 THERE IS A PRESUMPTION AGAINST DISOBEYING THE LAW

Joel Feinberg, Professor of Philosophy, University of Arizona, *RIGHTS, JUSTICE, AND THE BOUNDS OF LIBERTY*, 1980, p.258.

The problem of civil disobedience is primarily a problem in individual ethics. To ask under what conditions, if any, an individual citizen is morally justified in engaging in a "public, nonviolent, conscientious yet political act contrary to law" is to ask a question very much like those about when an individual is morally justified in telling lies, breaking promises, inflicting pain, or otherwise acting contrary to normally binding moral rules. That is because there is normally a presumption against disobeying the law in a just, or near-just, society -- not an unconditional moral prohibition, but a kind of standing case that must be overridden in a given instance by sufficient reasons.

MPP6-320 LINCOLN AND KENNEDY CALLED FOR OBEDIENCE TO UNJUST LAWS

Sidney Hook, Professor of Philosophy, New York University, *REVOLUTION, REFORM, AND SOCIAL JUSTICE*, 1975, p.245.

Once we grasp the proper issue, the question is asked with deceptive clarity: "Are we under an obligation in a democratic community always to obey an unjust law?" To this question Abraham Lincoln is supposed to have made the classic answer in an eloquent address on "The Perpetuation of Our Political Institution," calling for absolute and religious obedience until the Unjust law is repealed. Said Lincoln: "Bad laws if they exist should be repealed as soon as possible. still while they continue in force. they should be religiously observed." This sentiment was echoed by President Kennedy. Said Kennedy: "Americans are free to disagree with the law but not to disobey it. For in it government of laws, no man, however powerful or prominent, and no mob, however unruly or boisterous, is entitled to defy a court of law."

MPP6-321 THERE IS A GENERAL MORAL OBLIGATION TO OBEY THE LAW

Sidney Hook, Professor of Philosophy, New York University, *REVOLUTION, REFORM, AND SOCIAL JUSTICE*, 1975, p.246-7.

It is commendable to recognize the primacy of morality to law, but unless we recognize the centrality of intelligence to morality we stumble with blind -self-righteousness into moral disaster. Because, Kant to the contrary notwithstanding, it is not wrong sometimes to lie to save a human life, because it is not wrong sometimes to kill in defense to save many more from being killed, it does not follow that the moral principles: "Do not lie!" "Do not kill!" are invalid. When more than one valid principle bears on a problem of moral experience, the very fact of their conflict means that not all of them can hold unqualifiedly. One of them must be denied. The point is that such negation or violation entails upon us the obligation of justifying it, and moral justification is a matter of reasons not of conscience. The burden of proof rests on the person violating the rules. Normally, we don't have to justify telling the truth. We do have to justify not telling the truth. Similarly, with respect to the moral obligations of a democrat who breaches his political obligation to obey the laws of it democratic community. The resort to conscience is not enough. There must always be reasonable justification.

MPP6-322 RESPECT FOR LAW IS NEEDED TO FIGHT DISCRIMINATION

Sidney Hook, Professor of Philosophy, New York University, *REVOLUTION, REFORM, AND SOCIAL JUSTICE*, 1975, p.254.

Therefore, our goal must now be to build up and strengthen a mood of respect for the law, for civil obedience to laws, even by those who deem them unwise or who opposed them in the past. Our hope is that those who abide by the laws outlawing segregation may learn not only to tolerate them but, in time, as their fruits develop, to accept them. To have the positive law on the side of right and justice is to have a powerful weapon that makes for voluntary compliance -- but only if the reasonableness of the prima facie obligation to obey the law is recognized.

MPP6-323 RESPECT FOR LAW IS NEEDED TO ADVANCE CIVIL RIGHTS

Sidney Hook, Professor of Philosophy, New York University, *REVOLUTION, REFORM, AND SOCIAL JUSTICE*, 1975, p.255.

This mood must change if the promise of recent civil rights legislation is to be realized. Respect for law today can give momentum to the liberal upswing of the political and social pendulum in American life. In a democracy we cannot make an absolute of obedience to law or to anything else except "the moral obligation to be intelligent," but more than ever we must stress that dissent and opposition -- the oxygen of free society -- be combined with civic obedience, and that on moral grounds it express itself as legal dissent and legal opposition.

MPP6-324 THE OBLIGATION TO OBEY THE LAW DERIVES FROM THE PRINCIPLE OF EQUALITY
 Monroe Beardsley, Swarthmore College, LAW AND PHILOSOPHY, Sidney Hook, ed., 1964, p.38.

The obligation to obey the law seems to me to derive directly from the Equality Injunction (I refer here to what I shall call the "primary" obligation to obey a particular law as such). For to demand of others conformity to a rule without being prepared to conform to it oneself is a simple violation of the injunction.

MPP6-325 THE STAKE IN UPHOLDING THE WHOLE LEGAL STRUCTURE SUPPORTS OBEDIENCE
 Monroe Beardsley, Swarthmore College, LAW AND PHILOSOPHY, Sidney Hook, ed., 1964, p.41.

But of course the obligation to ignore an unfair law does not settle the question what is to be done in a particular case. Every individual's general stake in the whole legal structure must always count heavily against disobeying a particular law on a particular occasion.

MPP6-326 THE PRINCIPLE OF RULE OF LAW IS PRIOR TO THE QUESTION OF PARTICULAR LAWS

John Dickinson, Professor of Political Science, Princeton, AN INTRODUCTION TO MORAL AND SOCIAL PHILOSOPHY, Jeffrie Murphey, ed., 1973, p.500.

We can never proceed toward getting the best rule until we first consent that there shall at least be a rule, and we will never consent that there shall be a rule if we insist on having what we privately regard as the best rule, or else on having no rule at all. We must therefore be willing to allow the character of positive law to much that we might well wish were otherwise; and this involves no disrespect to the nature of law properly conceived. It is too late to regard law as a heaven-born goddess, or as other than a matter of human convenience. Unless we are sheer anarchists, a rule sanctioned by the highest authority in the state is ordinarily preferable to no rule at all, until we can get a better one; and if we feel that because of exceptional circumstances this is not so in a particular case, then we must frankly face in that special case the moral or social issue of revolution, and not hide our heads in the sand by pretending that we are only upholding law when we are resisting the ordinances of the authorized law-declaring organ of the community.

MPP6-327 THERE ARE MANY REASONS TO OBEY DEMOCRATIC LAWS

Sidney Hook, Professor of Philosophy, New York University, REVOLUTION, REFORM, AND SOCIAL JUSTICE, 1975, p.247.

This is all the more true because just as we can, if challenged, give powerful reasons for the moral principle of truth-telling, so we can offer morally persuasive grounds for the obligation of a democrat to obey the laws of a democracy. The grounds are many and they can be amplified beyond the passing mention we give here. It is a matter of fairness, of not being a free-loader, i.e., profiting from the political system that one professes to reject or refuses to support, of social utility, of peace, or ordered progress, of redeeming an implicit commitment.

MPP6-328 CIVIL DISOBEDIENCE IS OFTEN ELITIST AND ANTI-DEMOCRATIC

Sidney Hook, Professor of Philosophy, New York University, REVOLUTION, REFORM, AND SOCIAL JUSTICE, 1975, p.252-3.

If a group is unsuccessful in moving a majority by the weapons of criticism, in a democracy it may resort to peaceful measures of obstruction, provided it is willing to accept punishment for its obstructionist behavior. But these objections are usually a preface to some form of elitism or moral snobbery which is incompatible with the very grounds given in defending the right of civil disobedience on the part of democrats in a democracy.

MPP6-329 POLICY BASED DISOBEDIENCE CAN BE ANTI-DEMOCRATIC

Ronald Dworkin, Professor of Jurisprudence, Oxford, A MATTER OF PRINCIPLE, 1985, p.111.

Policy-based disobedience cannot make that appeal, because the standing qualification I just named does not extend to matters of policy. Once it is conceded that the question is only one of the common interest -- that no question of distinct majority and minority interests arises -- the conventional reason for constraining a majority gives way, and only very dubious candidates apply for its place. Someone who hopes not to persuade the majority to his point of view, by forcing, it to attend to his arguments, but rather to make it pay so heavily for its policy that it will give way without having been convinced, must appeal to some form of elitism or paternalism to justify what he does. And any appeal of that form does seem to strike at the roots of the principle of majority rule, to attack its foundations rather than simply to call for an elaboration or qualification of it. If that principle means anything, it means that the majority rather than some minority must in the end have the power to decide what is in their common interest.

MPP6-330 MAJORITY RULE IS ESSENTIAL IN CERTAIN AREAS

Amitai Etzioni, Professor of Government, George Washington University, THE SPIRIT OF COMMUNITY, 1993, p.50-1.

The Constitution and our legal traditions and institutions indicate clearly, however, that other matters are subject to majority rule. Thus Americans must pay their taxes, drive with a license, and refrain from abusing children. It is inconceivable, and there is no moral and legal support for the notion, that everybody would be allowed to decide for himself whether or not he wished to obtain a license, how much taxes he would choose to pay, and so on. (On still other matters, we require a special majority -- say, a two-thirds vote; these are matters that are not as fully set aside as individual and minority rights, but are more weighty than routine policy matters, such as overriding a presidential veto or proposing an amendment to the Constitution.)

MPP6-331 ADHERENCE TO LAW IS A NECESSARY RULE OF THE DEMOCRATIC GAME

Sidney Hook, Professor of Philosophy, New York University, *LAW AND PHILOSOPHY*, 1964, p.57.

The democrat who rejects anarchism and despotism does so not because he believes that the laws in a democracy will not be unjust but because he believes that, where discussion is open and intelligence is pooled, the likelihood of unjust laws being passed is much less than under the rule of anarchy or despotism. The obligation to obey an unjust law in a democracy is political and not directly moral. It may be compared, perhaps not too misleadingly, to the obligation to accept as valid the unjust decision of the umpire in a game, where agreement to bring in an umpire has resulted from the realization that the game cannot be properly played without rules or with one side or both interpreting the rules.

MPP6-332 ADHERENCE TO EVEN UNJUST LAWS IS A NECESSARY RULE OF DEMOCRACY

Sidney Hook, Professor of Philosophy, New York University, *LAW AND PHILOSOPHY*, 1964, p.58.

There is no paradox whatsoever when a democrat accepts the decision of the majority when he is in a minority. After all, unless decisions are to be taken only by unanimous vote, there must be a minority; and the normal assumption of sincere debate on any issue is that each side believes its position is justified. The obligation to obey an unjust law, subject to some qualifications to be considered below, on the part of a democrat who finds himself in the minority does not follow from any special principles of fair play. Such a commitment is what it means to be a democrat in the sense that if anyone proclaimed himself to be a democrat but indicated that he was not going to abide by a "well-formed" decision of the majority (that is, a decision made after vigorously exercised rights to agitate, educate, plead, and the like, on the part of the minority) or actually repudiated the decision of the majority (such as the forcible liquidation of the Constituent Assembly by the Russian Communists in 1918, after they had failed to win more than 19% of the seats) we would be entitled to say that he either did not understand the meaning of constitutional democracy or, more likely, that he was no democrat at all.

MPP6-333 SINCE DIFFERENT CONCEPTS OF JUSTICE EXIST, SOME RULE MUST DECIDE BETWEEN THEM

John Dickinson, Professor of Political Science, Princeton, *AN INTRODUCTION TO MORAL AND SOCIAL PHILOSOPHY*, Jeffrie Murphey, ed., 1973, p.499-500.

All the members of the community will by no means be able to agree on what justice in the highest sense is, or on what particular demands it makes in any given situation; meanwhile if they are not to fight out their differences, there must be some rule to settle them by.

MPP6-334 THE SOVEREIGN IS THE ORGAN OF THE COMMUNITY AND THEREFORE ENTITLED TO OBEDIENCE

John Dickinson, Professor of Political Science, Princeton, *AN INTRODUCTION TO MORAL AND SOCIAL PHILOSOPHY*, Jeffrie Murphey, ed., 1973, p.512.

These efforts have proceeded on the assumption that it is not compatible with the existence of civil society to leave to each individual the protection of his own rights; that so long as the normal conditions of civil order prevail, the sovereign, as the organ of the community, must be entitled to the obedience of the individual precisely because, and for no other reason than because, the sovereign is the organ of the community; and that therefore the protection of the individual under normal circumstances must be found not in the "right" of resistance, but in the manner and plan whereby sovereign power is organized and constituted.

MPP6-335 PROCEDURES ARE NEEDED FOR RESOLVING CONFLICTING JUSTICE CLAIMS

Morris Leibman, *CIVIL DISOBEDIENCE: AID OR HINDRANCE TO JUSTICE?*, 1972, p.17.

In the complex world of man, the claims of justice constantly collide. The resolution of such collisions has to occur through a procedural system rather than through the unfettered exercise of the individual will. The uniqueness of America -- its miracle -- lies in its processes and procedures for implementing justice. These processes and procedures reflect an understanding of human nature grounded in experience; they are the result of the lessons of hundreds of years of failures to achieve a just system.

MPP6-336 CIVIL DISOBEDIENCE IS ULTIMATELY ANTI-DEMOCRATIC

Morris Leibman, *CIVIL DISOBEDIENCE: AID OR HINDRANCE TO JUSTICE?*, 1972, p.20.

Even if we assume that civil disobedience is all that its most idealistic proponents claim it to be, it is inconsistent with the most admirable qualities of American society and is profoundly antidemocratic. The violation of a law duly enacted by a majority can never be anything else. There should be absolutely no mistake about this point. On it hangs a critical failing of the entire theory of civil disobedience.

MPP6-337 INDIVIDUAL CONSCIENCE SHOULD BE SUBORDINATE TO DEMOCRATIC PROCESSES

Morris Leibman, *CIVIL DISOBEDIENCE: AID OR HINDRANCE TO JUSTICE?*, 1972, p.21.

This antidemocratic bias is not limited to Thoreau. The Reverend William Sloane Coffin, Jr., has himself condemned democratic politics with the sweeping assertion that "as men frequently vote their ignorance, fears, and prejudices, there is never a guarantee that majority rule represents the rule of conscience." And who is to determine what the rule of conscience is? It is worth noting in passing that the purpose of a democratic political system is precisely not to forge "guarantees" of morality, but to provide the mechanism by which the excesses common to any human enterprise may be corrected. Our democratic system is designed to resolve the most injustices with the most justice. "The rule of conscience" is a nice-sounding phrase. But in the end, it only means a man's selfish desire to be at peace with himself. This peace is sought through proper and legal means by most, through improper means by some. Individual peace of mind must be given up where, in order to achieve it, an individual must flout what a majority, through a system of justice, has deemed wise.

MPP6-338 CIVIL DISOBEDIENCE EXPRESSES THE WILL OF AN ARROGANT MINORITY

Morris Leibman, *CIVIL DISOBEDIENCE: AID OR HINDRANCE TO JUSTICE?*, 1972, p.41.

Who is to decide when it is "good" and when it is "bad"? It makes of civil disobedience the tool of the arrogant, those who would put their will above the law laid down by society when they don't get their way. There can be no excuse for using such a tactic or for the arrogance of those who claim they are more moral than the "unenlightened majority." There is no excuse for using force to make this "unenlightened majority" care. If the majority really doesn't care, then only through reason and civility can they be made to share the caring, to embrace the ideal of saving humanity and the commitment to higher justice that they are accused of lacking. In an open society we must always choose reason rather than force as our means.

MPP6-339 PRECEDENTS LIKE THE BOSTON TEA PARTY DON'T APPLY TO DEMOCRACIES

Sidney Hook, Professor of Philosophy, New York University, *REVOLUTION, REFORM, AND SOCIAL JUSTICE*, 1975, p.244.

Not social protest, but illegal social protest constitutes our problem. It raises the question: "When, if ever, is illegal protest justified in a democratic society?" It is of the first importance to bear in mind that we are raising the question as principled democrats and humanists in a democratic society. To urge that illegal social protests motivated by exalted ideals are sanctified in a democratic society by precedents like the Boston Tea Party is a lapse into political illiteracy. Such actions occurred in societies in which those affected by unjust laws had no power peacefully to change them. As a democrat, I am in favor of any social protest, legal or illegal, peaceful or violent, in any nondemocratic society that is likely to free human beings from oppression or lessen the pitch of such oppression, without exposing them to serious risks of greater evils at the time.

MPP6-340 CIVIL DISOBEDIENCE IS INAPPROPRIATE IN THE AMERICAN LEGAL SYSTEM

Morris Leibman, *CIVIL DISOBEDIENCE: AID OR HINDRANCE TO JUSTICE?*, 1972, p.12.

When I say I am for "law and order" I mean American law and order, which to me means the just enforcement of our laws under our system of justice -- not Torquemada's. Law and justice result in order, as I use the word, because our legal and constitutional system, with its Bill of Rights and set procedures, recognizes that justice and liberty are man's finest bridge to the achievement of human dignity and brotherhood. It is precisely because I believe in man's humanity rather than his inhumanity that I reject civil disobedience.

MPP6-341 THERE'S NO SUCH THING AS CIVIL DISOBEDIENCE IN A DEMOCRACY

Morris Leibman, *CIVIL DISOBEDIENCE: AID OR HINDRANCE TO JUSTICE?*, 1972, p.12-3.

In current parlance the term "civil disobedience" is supposed to describe a morally justifiable violation of the law. The phrase is presumably designed to distinguish certain conduct from ordinary disobedience and from crime. Like most slogans devised or resurrected for their propaganda value, the phrase obscures rather than promotes analysis. In particular the adjective "civil" is both misleading and contradictory. In democratic societies any violation of the law is an uncivil act. This is true notwithstanding the motives of the violators. The violation is an assault on civil and social cohesion, the very basis of the peaceful interaction of men as "political animals." Such an act is always disruptive and to describe it as "civil" is a contradiction in terms.

MPP6-342 LETTING INDIVIDUALS DECIDE ON WHICH LAWS TO OBEY RESULTS IN ANARCHY

Sidney Hook, Professor of Philosophy, New York University, *LAW AND PHILOSOPHY*, 1964, p.57.

Now in one sense anyone who accepts democracy as a form of government is rejecting anarchy and despotism, which are its generic alternatives. Anyone who proclaims "I shall obey the law only when I believe it is just," and who presumably generalizes the principle to hold for others, "No one should obey the law unless he believes it is just," would be taken to hold an anarchistic position. Anarchism is not the belief that government is unnecessary but rather that the state as an institution involving coercion is unnecessary. If citizens in a democracy were permitted to act on the maxim that only those laws were to be obeyed that individual citizens deemed just, disobedience would not be punished and human affairs would run out into chaos.

MPP6-343 EVEN UNJUST LAWS PROVIDE ORDER AND PREDICTABILITY

John Dickinson, Professor of Political Science, Princeton, AN INTRODUCTION TO MORAL AND SOCIAL PHILOSOPHY, Jeffrie Murphey, ed., 1973, p.501.

But even if government is not well organized, and performs its functions ill, still it sometimes accomplishes one important purpose; even if it habitually favors one group in the community at the expense of others, and advances the interests of the former to the utter disregard of the latter, it may yet afford the advantages, whatever we hold them worth, of peace and order. It at least enables men to know the rules they must live under and the authority to which they must submit if they would be law-abiding.

MPP6-344 EVEN DESPOTISM IS GENERALLY PREFERABLE TO ANARCHY

John Dickinson, Professor of Political Science, Princeton, AN INTRODUCTION TO MORAL AND SOCIAL PHILOSOPHY, Jeffrie Murphey, ed., 1973, p.501-2.

Now there are times, no doubt, when this is not a good thing; there is a peace which is the "bitterest bitterness" and worse than any war; and at such times the anarchy of resistance and civil war may be the only thinkable portal to a fairer and better world. But admitting all this, there is still a truth in the old commonplace that one tyrant is preferable to many; and the age of Augustus, the age of the Medici and of the Tudors, bear witness that as a general rule men appear to find the peace and order even of a despotism a more satisfactory environment wherein to work out their purposes than a continual conflict of authorities, though the latter be shot through with the purest passion for civil or religious liberty of a Brutus or a Becket.

MPP6-345 OBEDIENCE TO LAW IS NECESSARY FOR SOCIAL ORDER

John Dickinson, Professor of Political Science, Princeton, AN INTRODUCTION TO MORAL AND SOCIAL PHILOSOPHY, Jeffrie Murphey, ed., 1973, p.507.

The doubt which suggests itself in connection with this attitude is that possibly it may be too naive, -- that possibly it may not be sophisticated enough to comprehend the full challenge of civil society. It is the primitive attitude of Antigone, rather than the mature comprehension of Socrates. Its capital defect is that it leaves fundamentally out of account the chief and most difficult factor in the whole problem -- the question, namely, of the advantage, not merely to all individuals but to each individual, of having a legally ordered society to live in, and of the price which he must perforce pay to get it.

MPP6-346 SOVEREIGNTY IS ESSENTIAL FOR CIVIL ORDER

John Dickinson, Professor of Political Science, Princeton, AN INTRODUCTION TO MORAL AND SOCIAL PHILOSOPHY, Jeffrie Murphey, ed., 1973, p.507-8.

For sovereignty, as we have seen, is a prerequisite of legal order; a prerequisite, that is, of a condition of affairs where the disputes which will honestly and inevitably arise between man and man, and which will as often be due to a real and involuntary difference in intellectual outlook as to a clash between purely selfish purposes, are settled peaceably by a publicly authorized arbiter, and, so far as possible, by impartial rules, rather than by the rough arbitrament of force and chance. The very essence and meaning of civil society is precisely the fact that the former method rather than the latter is the one which habitually prevails; and this essential method of civil society is just the thing which we strike at whenever we disobey or resist the sovereign. The question of obedience thus raises far more than the mere question of the agreement or disagreement in a particular case between the sovereign's law applying to the case in hand, and what the individual's private conscience tells him the law ought to be; property approached, it brings dominantly into the foreground the large issue of the desirability of preserving public authority and civil society itself.

MPP6-347 CIVIL SOCIETY CAN'T SURVIVE IF INDIVIDUAL CONSCIENCE IS GIVEN PRIMACY

John Dickinson, Professor of Political Science, Princeton, AN INTRODUCTION TO MORAL AND SOCIAL PHILOSOPHY, Jeffrie Murphey, ed., 1973, p.508-9.

In other words, something of vastly superior consequence is involve an essential rightness or wrongness in the given case of any particular exercise of sovereign power; what is involved, fundamentally, is the value and validity of civil society in contrast with the freedom, the flexibility, the experimentalism, of anarchy, whether the latter take the form of benevolent cooperation or of forceful competition. Civil society cannot stand when the decisions of the judges are made of no effect by private persons; and the Atlanasius attitude, to be defensible, must balance not particular differences of opinion between the individual conscience and the sovereign will, but the value of the end which conscience has at stake as against the value of civil society.

MPP6-348 CIVIL DISOBEDIENCE STRAINS SOCIAL ORDER TO THE BREAKING POINT

Morris Leibman, CIVIL DISOBEDIENCE: AID OR HINDRANCE TO JUSTICE?, 1972, p.23.

These doctrines of civil disobedience have been eroding our civilization in recent years. In action they have led to what I call brinkmanship. In other words, they have encouraged people to express discontent -- with the system, with the laws, with government officials and policies, and with ideas -- by organizing mass groups that create the potential for violence and law-breaking. This severely strains the necessary function of social order almost to the breaking point. Even when no law-breaking or violence occurs, this tactic damages the social system. It generates hostility and heated emotions, it introduces a mob psychology into our politics, and it produces very few rational insights into our problems. It produces a stress situation that no free society can long tolerate.

MPP6-349 CIVIL DISOBEDIENCE IS UNJUSTIFIED WHEN OTHER MEANS ARE AVAILABLE

Sidney Hook, Professor of Philosophy, New York University, *REVOLUTION, REFORM, AND SOCIAL JUSTICE*, 1975, p.249.

Second. resort to civil disobedience is never morally legitimate where other methods of remedying the evil complained of are available. Existing grievance procedures should be used. No grievance procedures were available to the southern Negroes. The courts often shared the prejudices of the community and offered no relief, not even minimal protection. But, such procedures are available in the areas of industry and education.

MPP6-350 DISCUSSION AND AGITATION ARE MORE APPROPRIATE THAN DISOBEDIENCE

Sidney Hook, Professor of Philosophy, New York University, *REVOLUTION, REFORM, AND SOCIAL JUSTICE*, 1975, p.250-1.

Fifth, where intelligent men of good will and character differ on large and complex moral issues discussion and agitation are more appropriate than civilly disobedient action. Those who feel strongly about animal rights and regard the consumption of animal flesh as food as morally evil would have a just cause for civil disobedience if their freedom to obtain other food was threatened. They would have, no moral right to resort to similar action to prevent their fellow-citizens from consuming meat. Similarly, with fluoridation.

MPP6-351 LAWS ARE ALWAYS SUBJECT TO REVISION

Morris Leibman, *CIVIL DISOBEDIENCE: AID OR HINDRANCE TO JUSTICE?*, 1972, p.17.

A just system is essential because no single human law can ever be perfectly "just." Therefore, the just system includes multiple opportunities for peaceful change and development. In few other societies are thousands of men daily engaged in courts, councils, legislatures and agencies, constantly amending and changing the law. Every law is subject to this process. It is a perpetual process of improvement.

MPP6-352 REFORM SHOULD BE SOUGHT THROUGH RATIONAL PERSUASION, NOT DISOBEDIENCE

Morris Leibman, *CIVIL DISOBEDIENCE: AID OR HINDRANCE TO JUSTICE?*, 1972, p.40.

A pluralistic society that recognizes individual rights and the claims of conscience requires a system of rules that says to us all: Don't decide the issues or resolve the frictions according to what your emotions tell you, or what your heritage or your language or your ancestry tells you, try instead to be a new kind of man who uses reason and persuasion. As we consider this issue of civil disobedience, let us not become bogged down in the endless excuses for disobedience. These rationalizations and apologies include the war in Vietnam, discrimination against minorities, the fact that we live in a violent and irrational world with a violent and irrational past, poverty, injustice, actions and mistakes by individual officeholders, imperfections in the democratic process, lies told to the public, the "need" to be heard or understood or paid attention to, the difficulty of progress, the many setbacks to justice, the moral righteousness of the cause, and many other such similar pleadings. These are all cop-outs. Those who are concerned about such problems should follow the proper multiple procedures our system affords to those who have the determination and fortitude to really care about their cause. But they should realize that this takes work.

MPP6-353 REASONED REFORM, NOT CIVIL DISOBEDIENCE, IS THE BEST APPROACH

Morris Leibman, *CIVIL DISOBEDIENCE: AID OR HINDRANCE TO JUSTICE?*, 1972, p.41-2.

If we do see a dilemma in our system between obedience to law and our moral values, or if there is not room for proper individual action or dissent, then let's modify the system as we have continually done in the past. The system was designed to be modified, and in fact has been radically altered through legal means a number of times in our history. Let's not throw temper tantrums and proclaim the system is rotten whenever we don't get our way. Too often that is the childish attitude one finds among the civil disobedients and others whose real problem is that they do not understand the American system of law and justice. Let's take care not to destroy the system that provides the only framework for achievement. I choose reason over emotion -- and people who care with their minds and not their prejudices.

MPP6-354 MORE USE OF RATIONAL ALTERNATIVES IS NEEDED

Morris Leibman, CIVIL DISOBEDIENCE: AID OR HINDRANCE TO JUSTICE?, 1972, p.90.

I would suggest that we really shouldn't be talking about new forms of disobedience but how to better appeal to man's reason and how to handle more complex questions. How do we use petition, assembly, free speech, and persuasion for developing better answers, better alternatives? Maybe those of us who are for this continuing breakthrough aren't scared, aren't frightened. But we recognize we're paying the price of our successes and I say to those who want to take the next move, "Make sure that you don't throw away the successes and make sure that you understand that the very success of our system means more complexity and more difficulty as more people participate." The complex society our success has produced, with its greater problems, demands a higher civility. We need more civility, not disobedience.

MPP6-355 OPENNESS DOESN'T JUSTIFY CIVIL DISOBEDIENCE

Morris Leibman, CIVIL DISOBEDIENCE: AID OR HINDRANCE TO JUSTICE?, 1972, p.14.

Second, the publicity given to a violation is equally irrelevant, since public illegality sets an example which is certain to be abused. The courts have pointed out that openness excuses neither a crime nor a conspiracy. If anything, open violations do more damage to society than covert ones.

MPP6-356 WILLINGNESS TO ACCEPT PUNISHMENT DOESN'T JUSTIFY CIVIL DISOBEDIENCE

Morris Leibman, CIVIL DISOBEDIENCE: AID OR HINDRANCE TO JUSTICE?, 1972, p.14-5.

Third, the willingness to accept the punishment is no justification for the violation of the law. In theory, every one breaking a law invites punishment. One should not be murdered simply because a killer is willing to suffer imprisonment or even death. At most, the willingness to accept punishment is an inadequate notion absurdly applied to determine the moral nobility of a particular violator.

MPP6-357 PROTESTING LAWS AS UNCONSTITUTIONAL ISN'T CIVIL DISOBEDIENCE

Sidney Hook, Professor of Philosophy, New York University, REVOLUTION, REFORM, AND SOCIAL JUSTICE, 1975, p.244-5.

Further, many actions dubbed civilly disobedient by local authorities, strictly speaking, are not such at all. An action launched in violation of a local law or ordinance, and undertaken to test it, on the ground that the law itself violates state or federal law, or launched in violation of a state law in the sincerely held belief that the state law outrages the Constitution, the supreme law of the land, is not civilly disobedient. In large measure the early sympathy with which the original sit-ins were received, especially the Freedom Rides, marches and demonstrations that flouted local Southern laws, was due to the conviction that they were constitutionally justified, in accordance with the heritage of freedom, enshrined in the Amendments and enjoyed in other regions of the country. Practically everything the marchers did was sanctioned by the phrase of the First Amendment which upholds "the right of the people peaceably to assemble and to petition the Government for a redress of grievances." Actions of this kind may be wise or unwise, timely or untimely, but they are not civilly disobedient.

MPP6-358 CIVIL DISOBEDIENCE IS DISTINCT FROM A TEST CASE

Morris Leibman, CIVIL DISOBEDIENCE: AID OR HINDRANCE TO JUSTICE?, 1972, p.16.

At this point it should be made clear that the so-called "test case" is not civil disobedience. A test case occurs because an individual has reason to believe that a statute does not have the force of law because it is unconstitutional. If the individual's belief is wrong then he must pay the penalty whether he wants to or not. Only one case by one individual of a minimal degree of violation is needed to test a law's constitutionality and hence, validity. The test case procedure is a recognized and necessary method of questioning whether a law is within our constitutional system. It is based on reason, as well as on the federal and various state constitutions, and not on "higher laws" per se. It is an objective process not based on conscience or moral belief.

MPP6-359 THOREAU STRESSES RESPECT FOR THE DIVERSITY OF NATURE

Jane Bennett, Professor of Politics, Goucher College, *THOREAU'S NATURE: ETHICS, POLITICS, AND THE WILD*, 1994, p.xxii-iii.

The third dimension of the sensibility at issue draws us, then, to an ethical project. It is the attempt to give the Wild its due, to respect that which resists or exceeds conventional cultural impositions of form, to preserve the element of heterogeneity present in any entity, to imagine institutions and identities that do less violence to heterogeneity, and to engage in exercises that help to actualize that imagination. The project, in short, is to develop ways to cope artfully, reflectively, and carefully in a world understood as neither divine creation nor docile matter. Thoreau, unlike many of his twentieth-century interlocutors, does not explicitly reject Edenic construals of nature (he advances ontological themes more indirectly and tentatively). But the ethical drive of his writings is also to preserve variety in a world with powerful pressures toward uniformity, to defend his heteroverse.

MPP6-360 THOREAU FEARS TOTAL SOCIAL DOMINATION OF NATURE AND SELF

Jane Bennett, Professor of Politics, Goucher College, *THOREAU'S NATURE: ETHICS, POLITICS, AND THE WILD*, 1994, p.xxi-ii.

The second element in the postmodern temper or critical sensibility relevant to Thoreau is a distinctive set of fears or anxieties. Near the top of this hierarchy of dangers is a fear of suffocation: social life seems excessively regulated, privacy too easily invaded, individuality too readily normalized, the world overpopulated. It is the fear that the state has become a monster of domestic intrusion and international destruction while the alternative space, nature, has become a place of toxicity, cancer, underground impurities. This fear includes the dark sense that our way of life breeds violence and injustice and that the economic imperative to consume outstrips the earth's capacity to restore itself and maintain us.

MPP6-361 THOREAU WASN'T A SENTIMENTAL NATURE WORSHIPER

Jane Bennett, Professor of Politics, Goucher College, *THOREAU'S NATURE: ETHICS, POLITICS, AND THE WILD*, 1994, p.xxi.

Thoreau's nature writing, as I read it, engages in a similar struggle. I challenge the view that Thoreau is a sentimental nature worshiper, a naive naturalist oblivious to his own contribution to the nature he discovers and the self he uncovers. My Thoreau, to the contrary, works hard to craft himself as a sojourner and to infect the world as Nature. Nature and sojourner are mythic forms deployed by Thoreau to combat the urge to social conformity and political mindlessness. Sojourners are artificial beings who come to construe themselves -- through minute observations of plant and animal cultures, through writing about wilderness, through bodily disciplines -- as belonging to a universe that articulates through them and extends beyond them. But sojourners also court what Thoreau calls the Wild, that which disturbs and confounds settled projects, techniques, and myths.

MPP6-362 THOREAU REJECTS POLITICS BOTH FOR AND AGAINST THE STATE

Jane Bennett, Professor of Politics, Goucher College, *THOREAU'S NATURE: ETHICS, POLITICS, AND THE WILD*, 1994, p.86.

Let us first review briefly Thoreau's position on politics, understood as any set of collective public practices. The politics Thoreau hated meant, first, the State, whose law, as we recall from "Resistance to Civil Government," "never made men a whit more just; and, by means of their respect for it, even the well-disposed are daily made the agents of injustice" (Reform Papers, 65). Sojourners ought to "dissolve the union" between themselves and the state. The politics Thoreau hated also meant organized, collective action directed against the State. This included social movements, such as antislavery activities, as well as involvement in opposition party politics. Group activism was but busy-ness, a habit of mind inimical to sojourning; action-in-concert, even on behalf of the public good, was a crucible of normalization.

MPP6-363 THOREAU REJECTS PREOCCUPATION WITH POLITICS

Jane Bennett, Professor of Politics, Goucher College, *THOREAU'S NATURE: ETHICS, POLITICS, AND THE WILD*, 1994, p.xxiii.

Although it is often said that he withdraws from politics, I think it more accurate to say that Thoreau withdraws not from the aim to affect cultural life but from the demand that all attempts to do so be thought and enacted within the rubric of politics. For this rubric draws to the surface the wrong set of associations, images, memories, and impressions. It is, for Thoreau, too crude -- it insists on reducing every identity to the product of a struggle of wills; it accentuates too baldly the arbitrated character of identity. By continually propelling the artificial, arbitrary, and contestable dimensions of identity to the foreground, politics provides a poor model for crafting a Thoreauian sensibility of treading lightly, of acting as if one were "part and parcel of Nature." Moreover, by emphasizing the collective nature of self-creation, it undermines the deliberative arts of the self that are also fundamental to that sensibility. Other attempts to shape the self and challenge habits of experience select the political metaphors of struggle, contest, majority rule, and minority rights; Thoreau opts to draw his alter-urge under a different umbrella, not politics but craft.

MPP6-364 THOREAU REJECTS POLITICAL CONFORMITY

Jane Bennett, Professor of Politics, Goucher College, *THOREAU'S NATURE: ETHICS, POLITICS, AND THE WILD*, 1994, p.2.

A certain unreflectiveness characterizes these Greek gods. Thoreau sees American mortals as also plagued by thoughtlessness, although our lack of deliberateness is more like torpor than whimsy. Our propensity for ill-considered action manifests itself not as flight of fancy but as conformity, not as impulse or contrariness but as obedience to the norm. Submission to the They, whom Thoreau's tailoress invokes above, is in Thoreau's view our political condition, what we might today term the default parameter.

MPP6-365 FOR THOREAU, POLITICS UNDERMINES THE SELF

Jane Bennett, Professor of Politics, Goucher College, *THOREAU'S NATURE: ETHICS, POLITICS, AND THE WILD*, 1994, p.5.

It is in the context of this project that Thoreau's disdain for American politics can be understood. This politics cultivates skills and habits of mind inimical to a deliberate life. As a set of practices -- elections, debates, legislation -- politics is a means by which a collectivity is oriented; but the aspiring individual requires techniques for disorientation. In politics the will-to-order, a govern-mentality dominates; but the noble self needs to cultivate a will to Wildness. Political success requires an ability to represent or duplicate the They to others; success as a sojourner requires a willingness to abide social rejection. Politics teaches how to find the common denominator and how to incorporate diverse views; the would-be I must learn how to refrain from compromise and resist the urge to assimilate eccentricities into the main body of the social text -- in order to enjoy the full force of their jolt.

MPP6-366 POLITICAL FOCUS UNDERMINES THE SELF

Jane Bennett, Professor of Politics, Goucher College, *THOREAU'S NATURE: ETHICS, POLITICS, AND THE WILD*, 1994, p.5-6.

To be more than occasionally and lightly engaged by politics -- its debates and struggles, even its promise of reform and social justice -- is for Thoreau to be distracted from the more difficult, more worthy, and logically prior task of becoming a deliberate self. Although the government is adept at molding selves, studying politics will teach nothing about making the kind of self Thoreau idealizes: "Visit the Navy Yard and behold a marine, such a man as an American government can make, or such as it can make a man with its black arts, a mere shadow and reminiscence of humanity" (Reform Papers, 65). Political concern has an uncanny way of activating the longing to conform, the urge "to be a secondary at control" or "useful serving-man and instrument to any sovereign state" (Reform Papers, 66) that lurks just below the surface of even the most severe critic of the order.

MPP6-367 POLITICS IS ENSLAVING

Jane Bennett, Professor of Politics, Goucher College, *THOREAU'S NATURE: ETHICS, POLITICS, AND THE WILD*, 1994, p.7.

In sum, politics and business are modes of existence sunk in the They. There is nothing "absolutely praiseworthy" in the businessman who needs "the police of meaningless labor," any more than there is in "many an enterprise in our own or foreign governments" (Reform Papers, 157). Government is, at bottom, the business of slavery: it legislates concerning "the breeding of slaves"; it sends explorers to the Amazon "to extend the area of slavery"; it warps and narrows the mind, making it "the slave of King Prejudice" (Reform Papers, 176, 174).

MPP6-368 POLITICS ENTRENCHES CONFORMITY

Jane Bennett, Professor of Politics, Goucher College, *THOREAU'S NATURE: ETHICS, POLITICS, AND THE WILD*, 1994, p.7.

Moreover, politics, like business, runs on popularity. The standard of value internal to both is common opinion; one seeks to represent popular will and the other to respond to consumer demand. Instead of inducing the backward recoil of perplexity or even horror at one's personal beliefs and institutional commitments, both worship the norm, both wrap one comfortably in the flag -- "Nations! What are nations? Tartars, and Huns, and Chinamen. Like insects, they swarm" (Reform Papers, 171).

MPP6-369 POLITICAL DEBATE ENTRENCHES PLATITUDES

Jane Bennett, Professor of Politics, Goucher College, *THOREAU'S NATURE: ETHICS, POLITICS, AND THE WILD*, 1994, p.6.

Despite its appearance of lively debate, its aura of contest and challenge, American politics is for Thoreau primarily a crucible of normalization, its surface is too slick, too even, too smooth for an individuality to take root. Politics is raucous, contentious, and even violent; nevertheless, the Wildness of which Thoreau speaks rarely finds expression there. This is partly because the very process of stating views publicly tends to transform them into familiar platitudes: the speaker, wary of the unanticipated impact of utterances soon to be free floating, tends to choose words, phrases, and formulations already authorized by widespread usage -- including those associated with critical, unorthodox, or oppositional positions. And even if the speaker resists this urge, the public, listening in the indiscriminate way appropriate for most political speech, is likely to hear them that way. Because political confrontation is carried out in public (or at least in a context with the potential to have one's words made public and thus seriously beyond one's control), the urge to conform is brought to the fore; the They thrives. Outland views are much more likely to be entertained outdoors, in a reflective struggle with the They in oneself. And this is the struggle, usually a lifelong one, that must precede any viable attempt to create a society of free-thinking citizens. The most typical effect of political debate, then, is to give conventional views spurs -- to dig in -- rather than wings. In the public realm, unexpected thoughts or surprising experiences tend to issue in a spiral of strategizing (how to get things back under control?) rather than a sojourn of self-recreation.

MPP6-370 POLITICS UNDERMINES NON-CONFORMITY
Jane Bennett, Professor of Politics, Goucher College,
THOREAU'S NATURE: ETHICS, POLITICS, AND THE
WILD, 1994, p.7-8.

Finally, both pecuniary and political activities demand a hastiness adverse to nonconformity. Efficient workers scurry around, too busy to savor a point or have the second thoughts required to combat the They. The short-term tacticality of the politician functions in the same way. Thoreau therefore keeps "his connection with and obligation to society ... very slight and transient" (Reform Papers, 160); he ridicules public men and their world in order to slow their conquest of his spirit, to defend his "native soil" (Reform Papers, 165), his inner, potential self, against their colonialist onslaught.

MPP6-371 THOREAU REJECTS BOTH CONSERVATISM
AND REFORM

Jane Bennett, Professor of Politics, Goucher College,
THOREAU'S NATURE: ETHICS, POLITICS, AND THE
WILD, 1994, p.9.

Although Thoreau reserves his greatest contempt for conservatives -- their heads "have a puny and deficient look, a certain . . . concavity, as if they were . . . made to lie or pack together, as when several nuts are formed under the same burr where only one should have been" (Reform Papers, 181) -- he harbors no great love for their political opponents, the reformers. "No doubt the evil is great and manifest, and something must certainly be done" (Reform Papers, 182), but reformers misdirect their moral energies. They seek changes in social institutions rather than re-formations of self, they pursue action-in-concert rather than solitude. The latter tasks are the only ones within the power of the Reformer.

MPP6-372 THOREAU'S SOCIAL CRITICISM DOESN'T
IMPLY SUPPORT FOR SOCIAL REFORM

Jane Bennett, Professor of Politics, Goucher College,
THOREAU'S NATURE: ETHICS, POLITICS, AND THE
WILD, 1994, p.8.

To a significant degree, Thoreau's topic is always himself; but many of his attempts to write himself into nonconformity proceed alongside some form of social criticism. Can this be reconciled with his claim to keep his political involvement "very slight and transient"? I think it can, for his dissent is more a means toward self-refashioning than toward societal reform. Thoreau's pronouncements against the State and its policies are another technique for making the normal appear strange; they contribute to the making of a self who "has a bone in his back which you cannot pass your hand through" (Reform Papers, 70). Even adamant individuals must spend most of their time in the They-world -- "thus I declaim against them," Thoreau writes to Blake, "but I in my folly am the world I condemn" (Correspondence, 297). Criticism, however, can drive a wedge between the world and the I; dissident speech carries Thoreau, at least for a spell, some distance from the They. His lambasting of the political structures in which he is himself deeply implicated will function as a winch to hoist himself out. The sharp critical edge in Thoreau's lectures -- surely a political edge -- never cuts off his profound wariness of politics as the attempt to offer collective solutions to societal ills.

MPP6-373 SELF-REFORM MUST PROCEED SOCIAL
REFORM

Jane Bennett, Professor of Politics, Goucher College,
THOREAU'S NATURE: ETHICS, POLITICS, AND THE
WILD, 1994, p.9.

"The Reformer who comes recommending any institution or system to the adoption of men, must ... see that he represents one pretty perfect institution in himself, the centre and circumference of all others, an erect man" (Reform Papers, 184). Reformers dissipate themselves in lamentation and pity, when they could be laboring to "take up a little life into your pores.... encourage the flow of sap in your veins, find your soil, strike root and grow" (Reform Papers, 191).

MPP6-374 THOREAU REJECTS EVEN RADICAL
POLITICAL ACTIVITY

Jane Bennett, Professor of Politics, Goucher College,
THOREAU'S NATURE: ETHICS, POLITICS, AND THE
WILD, 1994, p.9.

So even radical political activity is not radical enough for Thoreau. Reformers meddle "with the exposed roots of innocent institutions rather than with their own" (Reform Papers, 183). The only civic acts congruent with the transformative arts through which one becomes erect are, then, negative ones. Not advocacy of a policy agenda or affirmation of a series of legislative reforms, but verbal critique and the withholding of one's participation in injustice.

MPP6-375 WITHDRAWAL OF ASSENT IS AN
APPROPRIATE RESPONSE TO POLITICAL ABUSE

Jane Bennett, Professor of Politics, Goucher College,
THOREAU'S NATURE: ETHICS, POLITICS, AND THE
WILD, 1994, p.9.

The Fugitive Slave Bill is immoral, says Thoreau. But if the State refuses to "dissolve her union with the slaveholder," then "let each inhabitant of the State dissolve his union with her" (Reform Papers, 104). The war with Mexico is unjust, says Thoreau, so the individual must refuse to pay taxes, ensuring that "at any rate, I do not lend myself to the wrong which I condemn" (Reform Papers, 74).

MPP6-376 THOREAU IGNORES ISSUES OF POWER AND DOMINATION

Jane Bennett, Professor of Politics, Goucher College, *THOREAU'S NATURE: ETHICS, POLITICS, AND THE WILD*, 1994, p.89-90.

Thoreau's aversion to thinking about power is itself the basis of a third criticism of him. One of the hallmarks of late twentieth century American thought is a sensitivity to the politics of all kinds of texts and practices, by which is meant the history of a war among wills, for example, the struggle among different class, race, or gender interests. In the Introduction to *Politics and Poetic Value*, Robert von Hallberg notes that in recent literary criticism "self-interest is now thought of as the most authentic motive an interpreter can divulge in a text." Thoreau's writings do not completely ignore its role, as his antislavery essays demonstrate. And Thoreau can be self-conscious about the politics of his own writing, about the way his quest for character through the discipline of repetitive work impinges upon the weeds, woodchucks, and vagrants in Walden Woods and in himself. But for the most part, Thoreau's writing does not make domination a central theme. Perhaps it is true that to do so would be to block the mood of serene attentiveness required for sojourning. But not to do so is surely to undermine other of its conditions, what might be loosely termed its "material" conditions.

MPP6-377 CONTRA THOREAU, RADICAL POLITICS CAN BE DISRUPTIVE

Jane Bennett, Professor of Politics, Goucher College, *THOREAU'S NATURE: ETHICS, POLITICS, AND THE WILD*, 1994, p.88-9.

If anachronism is the first charge against Thoreau, the second concerns his failure to see the Wild in politics. Some forms of activism, for example, those associated in the United States today with gay rights or radical environmentalism, appear to have the kind of surprising and perplexing effect Thoreau loved. These social movements jolt conventional identities and priorities. Thoreau believed that the publicness and collectiveness of such politically induced eccentricities would soon extinguish their challenging and disruptive quality. But perhaps he was wrong about this, for the shocks to standard thinking about sexuality or nature delivered by Act Up or Earth First! seem to survive publicity.

MPP6-378 COLLECTIVE PROBLEMS UNDERMINE THOREAU'S REJECTION OF POLITICS

Jane Bennett, Professor of Politics, Goucher College, *THOREAU'S NATURE: ETHICS, POLITICS, AND THE WILD*, 1994, p.86-7.

The antipublic ideal also loses appeal as collectively generated problems (acid rain, underground rivers of "plumes" of toxic waste, commercial and residential developments) undermine the quality of life but appear to be largely immune to individual acts of protest. It seems that collective action on behalf of issues such as energy conservation and land preservation is required if space is to remain for the individual, deliberate, ecologically respectful life of the sort symbolized by Walden. After spending his night in the Concord jail, Thoreau went huckleberry picking "on one of our highest hills, two miles off; and then the State was nowhere to be seen" (*Reform Papers*, 84). The contemporary State is not so easy to shake, nor is it as clearly in the best interests of sojourning to do so.

MPP6-379 THOREAU'S ANTI-POLITICS IS ANACHRONISTIC

Jane Bennett, Professor of Politics, Goucher College, *THOREAU'S NATURE: ETHICS, POLITICS, AND THE WILD*, 1994, p.86.

The first and most obvious objection to this position is that it is anachronistic. One might today avoid voting and overt political activity, but not taxes, roads, electricity, tap water, sewers, or the pressures of normalization. Even allowing for the fact that Thoreau's calls to avoid the State and group action (for example, his advocacy of economic self-sufficiency) were not meant as literally or as extremely as stated but used because their absolutism and exaggeration might counteract the They, this idealist rhetoric nevertheless functioned against the backdrop of the life possibilities of the mid-nineteenth century. And it is less convincing after the welfare state, the corporatized and internationalized economy, and globalized pollution leave the individual nowhere to hide. Even if it is still possible to idealize a solitary, apolitical life, does not the transformative potential of this idealization -- its capacity to recraft a self -- depend upon the degree to which it is possible for someone to live it?

MPP6-380 THOREAU ACKNOWLEDGES POLITICS ARE UNAVOIDABLE

Jane Bennett, Professor of Politics, Goucher College, THOREAU'S NATURE: ETHICS, POLITICS, AND THE WILD, 1994, p.10.

Thoreau presents these negative actions as attempts to ward off the flea-beetle in himself, as private actions whose effect upon social conditions, if any, is a secondary matter. But by advocating these things in lectures and published articles, Thoreau steps (albeit gingerly) into the public realm he so detests and fears as the province of the They. Occasionally in his writing Thoreau acknowledges the necessity of such participation in collective life: business and politics are not expendable activities, even for a sojourning individual, but "are, it is true, vital functions of human society" (Reform Papers, 178). While "the community has no bribe that will tempt a wise man" (Reform Papers, 159), it turns out that no one fits in the category of wise man. Even "the best men that I know are not ... a world in themselves" (Reform Papers, 168). Who has not desecrated himself? Who has not at one time or another made the mind "a public arena, where the affairs of the street ... are discussed" (Reform Papers, 171)?

MPP6-381 THOREAU UNDERESTIMATES THE SIGNIFICANCE OF POLITICAL CONTEXT

Jane Bennett, Professor of Politics, Goucher College, THOREAU'S NATURE: ETHICS, POLITICS, AND THE WILD, 1994, p.10.

Such statements, where the reader is reminded of the social contextuality of identity, are uncharacteristic of Thoreau. More typical of his rhetoric is the assertion that one can "move away from public opinion, from government, from religion, from education, from society" (Reform Papers, 196). When Thoreau blithely considers whether he should "raise corn and potatoes in Massachusetts, or figs and olives in Asia Minor" or "sit out the day in my office in State street, or ride it out on the steppes of Tartary" (Reform Papers, 196), he surely exaggerates the power of imagination and clearly underestimates the constraints upon individual expression posed by poverty, minority status, unliberal political regimes, and so on.

MPP6-382 THOREAU IS RELEVANT TO THE LATE TWENTIETH CENTURY

Jane Bennett, Professor of Politics, Goucher College, THOREAU'S NATURE: ETHICS, POLITICS, AND THE WILD, 1994, p.68.

As I have translated him, Thoreau bears a relationship to late twentieth century modes of critical thinking. He too is alert to the political effect of rhetorical strategies, to the way evocative stories and philosophical argumentation support and intertwine with each other. I have in fact offered a reading of Thoreau as a kind of postmodern writer.

MPP6-383 UNIVERSAL PHILANTHROPY SHOULD BE REJECTED

Ralph Waldo Emerson, "Self-Reliance," in EMERSON'S ESSAYS (Apollo Edition), 1841, p.37.

Then, again, do not tell me, as a good man did to-day, of my obligation to put all poor men in good situations. Are they my poor? I tell thee, thou foolish philanthropist, that I grudge the dollar, the dime, the cent I give to such men as do not belong to me and to whom I do not belong. There is a class of persons to whom by all spiritual affinity I am bought and sold, for them I will go to prison if need be; but your miscellaneous popular charities; the education at college of fools; the building of meeting-houses to the vain end to which many now stand; alms to sots, and the thousandfold Relief Societies; -- though I confess with shame I sometimes succumb and give the dollar, it is a wicked dollar, which by-and-by I shall have the manhood to withhold.

MPP6-384 CHARITY TENDS TO DEGRADE THE RECIPIENT

George Kateb, Professor of Politics, Princeton, EMERSON AND SELF-RELIANCE, 1995, p.137.

Direct service, whether charity or paternalism, tends to degrade the recipient. Mutual but indirect service is the norm of self-reliant equals. So tenacious is Emerson on this point that he interprets apparent selfless devotion not as a wish to serve but as a commitment to one's own integrity. Such a commitment is not self-love in the ordinary sense, and it is really intrinsic to love of others.

MPP6-385 EMERSON STRESSED ECONOMIC SELF-RELIANCE AND REJECTED WELFARE

Robert Bellah, et al., Professor of Sociology, University of California, Berkeley, HABITS OF THE HEART, 1985, p.56.

But in his essay, Emerson also expressed a more prosaic sense of self-reliance, one that has been the common coin of moral life for millions of Americans ever since. Emerson says we only deserve the property we work for. Conversely, our primary economic obligation is only to ourselves. "Then again, do not tell me, as a good man did to-day, of my obligation to put all poor men in good situations. Are they my poor?" he wrote.

MPP6-386 OBEDIENCE TO LAW SHOULD BE LIMITED

Ralph Waldo Emerson, "Politics," in EMERSON'S ESSAYS (Apollo Edition), 1844, p.409.

But our institutions, though in coincidence with the spirit of the age, have not any exemption from the practical defects which have discredited other forms. Every actual State is corrupt. Good men must not obey the laws too well. What satire on government can equal the severity of censure conveyed in the word politic, which now for ages has signified cunning, intimating that the State is a trick?

MPP6-387 EMERSON SUPPORTED CIVIL DISOBEDIENCE
George Kateb, Professor of Politics, Princeton, EMERSON AND SELF-RELIANCE, 1995, p.184-5.

There is, first, the politics of individual resistance. He is initially unattracted by the refusals of Alcott and Thoreau to pay taxes as protest against war, and slavery, and religious establishment, but passage of the Fugitive Slave Law in 1850 changed his mind. In his speech of 1851 on the law, he says:

An immoral law makes it a man's duty to break it, at every hazard. For virtue is the very self of every man. It is therefore a principle of law that an immoral contract is void. For, as laws do not make right, and are simply declarative of a right which already existed, it is not to be presumed that they can so stultify themselves as to command injustice.... If our resistance to this law is not right, there is no right. (Miscellanies, pp. 186-187)

His journals record his horror at the thought of enlisting people in the legal duty to help catch and return runaway slaves. He lent himself to one or another attempt to help runaways; he quietly broke the law, I suppose. But it is really Thoreau who, before the Fugitive Slave Law and after, best epitomizes Emerson's defense of individualist politics as resistance in behalf of others.

MPP6-388 EMERSON ISN'T ANTI-COMMUNITY

Robert D. Richardson Jr., former Professor of English, University of Denver, EMERSON: THE MIND ON FIRE, 1995, p.322.

"Self-Reliance" is Emerson's essay on the unalienated human being. The essay is not a blueprint for selfishness or withdrawal; it is not anti-community. It recommends self-reliance as a starting point -- indeed the starting point -- not as a goal. When a better society evolves, it will not, in Emerson's view, come about through a suppression of the process of individuation but through a voluntary association of fulfilled individuals.

MPP6-389 EMERSON UPHOLDS THE VALUE OF POLITICAL DECENTRALIZATION

George Kateb, Professor of Politics, Princeton, EMERSON AND SELF-RELIANCE, 1995, p.182.

Emerson reflects on the character of New England, and the essence of the address lies in the way the people of the various towns created a society by agreement and maintained it through constant attention and involvement. He fixes his attention also on the Massachusetts Bay colony and praises the consensual relation that tied the overall political authority and the people. Boston did not monopolize power, but left the towns to govern themselves in most respects. Power was tolerable because it was decentralized, and in each lesser unit -- that is, in each town -- popular self-government existed in the form of the town meeting. Emerson says:

In a town-meeting, the great secret of political science was uncovered, and the problem solved, how to give every individual his fair weight in the government, without any disorder from numbers. In a town-meeting, the roots of society were reached. Here the rich gave counsel, but the poor also; and moreover, the just and the unjust (Miscellanies, pp. 46-47).

The right to speak and hence exercise some power was given to all as God makes rain to fall on the just and the unjust. Such is primary democracy.

MPP6-390 EMERSON'S THOUGHT IS ULTIMATELY DEMOCRATIC

George Kateb, Professor of Politics, Princeton, EMERSON AND SELF-RELIANCE, 1995, p.178.

Can you be politically active and still be self-reliant? Citizenship is enacted in a political system or in defiance of it. Emerson's acts of citizenship as well as his reflections on the meaning of citizenship take place in and are framed by American democracy. That the democracy is radically incomplete, that it is stained by slavery, exclusions, and territorial rapacity, is precisely what leads Emerson to produce most of his political writings. But protest is not the totality of his political thought. He also thinks about what an unstained democracy would be, and does so as an adherent. He may not say explicitly enough or often enough that his doctrine of self-reliance in all its kinds, mental and active, is a democratically-inspired doctrine, a doctrine unthinkable outside democracy and that also signifies the culmination and the spiritual reason for the being of democracy. But that thought is there, sometimes on the surface of his work, and the rest of the time not far beneath it.

MPP6-391 EMERSON DEMOCRATIZES THE IDEA OF GREATNESS

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.168.

Emerson is trying to democratize genius, or greatness. Greatness, -- what is it? Is there not some injury to us, some insult in the word? What we commonly call greatness is only such in our barbarous or infant experience. ("Greatness," *Letters*, p.302)

The truly great are not the famous warriors. Greatness is faith in one's uniqueness; such faith is self-respect. "Self-respect is the early form in which greatness appears" (p. 303). If one has self-respect, one "learns to be at home with himself" (p. 307). I must point out that whereas mental self-reliance requires only being "a guest" in one's own thought, active self-reliance in the form of vocation requires one to be "at home" with oneself. This difference of imperatives is another indication of the superiority of mental to active self-reliance.

MPP6-392 TRANSCENDENTALISM STRESSES DEMOCRATIC INDIVIDUALISM

Robert D. Richardson Jr., former Professor of English, University of Denver, *EMERSON: THE MIND ON FIRE*, 1995, p.250.

The social imperative of transcendentalism is twofold. It insists, first, that the well-being of the individual -- of all the individuals -- is the basic purpose and ultimate justification for all social organizations and second that autonomous individuals cannot exist apart from others. In the transcendentalist vocabulary "association" is just as charged a word as "self." Transcendentalism believes that the purpose of education is to facilitate the self-development of each individual. The political trajectory of transcendentalism begins in philosophical freedom and ends in democratic individualism.

MPP6-393 FOR EMERSON, DEMOCRACY IS THE ONLY MORAL POLITICAL SYSTEM

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.181-2.

Democracy is a moral system; it is the only moral political system. In the American democracy, the only democracy in the world at that time, the human race is "poured out over the continent to do itself justice" by hard work. The poor climb out of poverty and into a dignified equality. The country is constantly full of "exclamations of impatience and indignation at what is short-coming or is unbecoming in the government, -- at the want of humanity, of morality." American protest is universalist, not driven by narrow class feeling. This fact, Emerson says, demonstrates that the United States is "a nation of individuals" ("The Fortune of the Republic," pp. 526, 529). After the Civil War, he offers this judgment: "I will not say that American institutions have given a new enlargement to our idea of a finished man, but they have added important features to the sketch" ("Progress of Culture," *Letters*, p.208).

MPP6-394 DEMOCRACY UNIQUELY UPHOLDS THE MORAL EQUALITY OF ALL PERSONS

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.181.

More positively, Emerson affirms democracy because it is the only political system that pays homage to the idea that all human beings, just by the fact that they are human beings, are morally equal, morally identical; they share "radical identity." In the most important respects, one is "more like and not less like other men" ("The Over-Soul," p. 396). Monarchy is a romantic system because, like romantic art, it is full of chance and caprice; democracy is classic, and like classic art, it grows out of necessity and is organic ("Art and Criticism," *Natural History*, p. 304). In 1863, in the middle of a terrible and uncertain war, Emerson writes:

There is in this country this immense difference from Europe, that, whereas all their systems of government and society are historical, our politics are almost ideal. We wish to treat man as man, without regard to rank, wealth, race, color, or caste, simply as human souls. We lie near to nature, we are pensioners on Nature, draw on inexhaustible resources, and we interfere the least possible with individual freedom. ("The Fortune Of the Republic," *Notes, Miscellanies*, p. 644)

MPP6-395 DEMOCRACY REDEEMS THE ORDINARY INDIVIDUAL

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.179-80.

The passion in Emerson for democracy is strong, and is made poignant when he adds:

The furious democracy which in this country from the beginning of its history, has shown a wish, as the royal governors complained, to leave out men of mark and send illiterate and low persons as deputies, -- a practice not unknown at this day -- is only a perverse or yet obstructed operation of the same instinct, -- a stammering and stuttering out of impatience to articulate the awful words I am. (p. 214)

Democracy is the unfinished rescue of ordinary humanity from ignominy.

MPP6-396 EMERSON EQUATES DEMOCRACY WITH LEGAL MINIMALISM

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.190.

Emerson is faithful to the original democratic idea as recorded by Aristotle (whom he read but does not cite). According to Aristotle, democrats want to live as they like, which is the source of the "claim of men to be ruled by none, if possible" (*The Politics*, [B. Jowett, Trans.], Bk. 6, ch. 2, 1317b). The alternative principle that all should take turns in ruling and being ruled is only second-best and should be put into practice if nonrule is impossible. As Thoreau puts the Athenian and Emersonian point in "Civil Disobedience": "For government is an expedient by which men would fain succeed in letting one another alone" (Thoreau: *The Major Essays*, p. 107). For Emerson, it is a horror that democracy should be continuously active, even if it were a primary democracy. Democracy is a device to limit rule, to neutralize legislation as well as to chasten administration. To think otherwise is to attribute individuality to a fictitious entity, whether it be a people or a society or a state, and proceed to find the value of group expressiveness or group self-realization in its activity.

MPP6-397 FOR EMERSON, DEMOCRACY IS EMANCIPATORY

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.180.

Democracy, for Emerson, is emancipation ("Boston," *Natural History*, p.87). This word appears in his work at the beginning of the Civil War, but its sense dominates his political thinking from the start. Democracy is emancipation from aristocracy, especially. No real aristocracy has ever reflected the natural aristocracy of a society, but has had, instead, an enforced and artificial hierarchy ("Aristocracy," *Lectures and Sketches*, p. 33). In England and elsewhere, the aristocracy "incorporated by law and education, degrades life for the unprivileged classes".

MPP6-398 ONLY DEMOCRACY UPHOLDS EMERSONIAN INDIVIDUALISM

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.179.

Despite his complex bemusement with democratic politics, however, Emerson's work is soaked in democratic spirit. Emerson's guiding sense is that society is a means for the ends of individuals, who are themselves ends. Only modern democracy, among societies, is devoted to this precept. Democracy is the set of political arrangements that provide the protections and encouragements for individuals to become individuals, rather than the servants of society. This is an Emersonian theme. Emerson says:

The modern mind teaches (in extremes) that the nation exists for the individual; for the guardianship and education of every man. The Reformation contained the new thought. The English Revolution is its expansion. The American Declaration of Independence is a formal announcement, though a very limited expression. ("Introductory," *Human Culture*, *Early Lectures*, 2, pp. 213-214).

MPP6-399 DEMOCRATIC POLITICS NEED NOT COMPROMISE SELF-RELIANCE

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.183.

If, from one perspective, the town meeting is collaboration and cooperation, from another and equally valid perspective, it is an opportunity for individuals to speak their minds, and just by doing that, remain individuals. Their wills are to be bound by the laws and decisions that no one individual can make for oneself. But before the will is bound, the mind of each may disclose itself. Indeed, active self-reliance sublimates itself into mental activity by becoming speech for the sake of speech. The content, of course, is practical, not philosophical. Still, equal citizenship provides an excellent opportunity for everyone's practical sense to be a group without compromising anyone's self-reliance.

MPP6-400 DEMOCRATIC PARTICIPATION ENCOURAGES INDIVIDUAL SELF-EXPRESSION

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.183.

The politics of the cooperation of equals is also the politics of individual self-expression. And self-expression occurs in conditions of unembarrassed and indeed encouraged frankness. Democracy becomes, in its political process, the register of diversity, of individual diversity, perhaps even of individual uniqueness. Emerson makes it clear that without diversity of voice, of speech, of articulated attitude, there is no democracy. He finds that both the humdrum and the urgent lend themselves as subjects that can elicit the self in its political appearances.

MPP6-401 EMERSONIAN INDIVIDUALISM IS NON-EGOISTIC

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.62-3.

On every contemplative level -- from the minutest particular to the most fated general idea or tendency, and beyond to the All -- mental self-reliance is the flight from egotism to impersonality. Emerson makes paradigmatic the perceptual aim of artists. The best looking is done with "the eye of the Artist" ("The Naturalist," *Early Lectures*, 1, p. 73) or "with the Poet's eye but with a Saint's affections" ("Ben Jonson, Herrick, Herbert, Wotton," *Early Lectures*, 1, p. 353). We imitate artists and poets when we "disindividualize" ourselves, when "we aim to hinder out individuality from acting" ("Art," *Society and Solitude*, pp. 48, 49). Why do so? Because only in this way can the observer individualize the world: change it in thought from masses to individuals. One mitigates one's own identity to make room for the identity of other particular persons, creatures, and things. Impersonality is a kind of selflessness, which allows what is outside oneself to fill one's inner space, and which prepares the way for perceiving and expressing the identity of the otherwise indistinct or unappreciated.

MPP6-402 EMERSON REJECTS EGOISM

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.18-19.

Emerson is a qualified critic of subjectivity, as in chapter 7 ("Spirit") of *Nature* (1836). He denounces everyday egotism; he is skeptical of philosophical egoism. Indeed, so far is Emerson from praise of the ego that he sounds a remarkable note of existential indebtedness.

MPP6-403 EMERSON REJECTS EGOISM

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.146-7.

The pursuit of wealth, like the pursuit of high rank and political and social power and influence, is a display of what Emerson disapprovingly calls "egotism" or "selfism" or "self-love" ("Culture," *The Conduct of Life*, pp. 1016-1017). I here extend to the specific pursuit of wealth the characterization that Emerson makes of any intensely self-absorbed worldly ambition. Naturally the very word ego would seem to place us in the realm of individualism. How, therefore, could any variant of egotism not be individualistic? Is Emerson disowning his own offspring? Well, my aim all along has been to show that in its highest form, self-reliance (as mental self-reliance) aspires to impersonality: that is Emerson's teaching. In regard to the lower form, active self-reliance, he persistently rejects egotism as definitive of individualism and refers more than once to the "goitre of egotism," as if to say that the ego is by its nature helplessly inflamed, whereas the self-reliant individual is to be understood otherwise.

MPP6-404 DEMOCRACY IS GROUNDED IN THE BASIC EQUALITY OF ALL PEOPLE

Ralph Waldo Emerson, "Politics," in *EMERSON'S ESSAYS* (Apollo Edition), 1844, p.404.

The theory of politics, which has possessed the mind of men, and which they have expressed the best they could in their laws and in their revolutions, considers persons and property as the two objects for whose protection government exists. Of persons, all have equal rights, in virtue of being identical in nature. This interest, of course, with its whole power demands a democracy.

MPP6-405 EMERSON BELIEVES SELF-RELIANCE CAN BE ATTAINED BY EVERYONE

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.18.

He preaches self-reliance because he thinks that all people already have self-reliant moments and could more successfully become self-reliant if they tried. Self-reliance is thus not a doctrine of superiority to average humanity. Rather it is a doctrine urging the elevation of democracy to its full height, free of the aristocratic, but also free of the demotic.

MPP6-406 EMERSON WAS A MORAL REALIST

Christopher Lasch, Professor of History, University of Rochester, *THE TRUE AND ONLY HEAVEN*, 1991, p.265.

As Melville understood, more clearly than most of Emerson's critics, this is "theology," Calvinist theology at that; but what Melville intended as a reproach might better be taken as a compliment. Emerson retains the moral realism of his ancestors, while discarding their anthropomorphic conception of God. If God is pure being, he can no longer be adequately characterized as a "sovereign," much less a "father." But neither can he be dispensed with. Only the acknowledgment that "what is must be and ought to be, or is the best," overcomes the tyranny of fate.

MPP6-407 EMERSON BELIEVES A MULTIPLICITY OF VALUES IS ESSENTIAL FOR LIFE

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.3-4.

Emerson thinks that every important value, principle, idea, (or derivative practice or institution) is permanently indispensable for life, even though any may be at odds with any other. Taken together, they are forces "by whose antagonism we exist" ("Fugitive Slave Law," 1854, *Miscellanies*, p.231). Man himself, Emerson says, is a "stupendous antagonism," the cause and effect of the world's constitutive antagonisms ("Fate," *The Conduct of Life*, p.953). Life is a "gale of warring elements" ("Works and Days," *Society and Solitude*, p.172). When there are two "metaphysical antagonists," he says, "each is a good half, but an impossible whole" ("The Conservative," p.175). If "the world stands by balanced antagonisms" the thinker must temporarily stand by each antagonistic element in turn ("Natural History of Intellect," *Natural History*, p. 53). Emerson is a sustained practitioner of a multiple perspectivism. He tries to make each element believable, giving it its own essay or passage, or he dwells on its different facets in several essays, while his whole work sets an example of abundant but also sympathetic withholding.

MPP6-408 EMERSON EMBRACED SEXIST DUALISM

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.118-19.

The writing is straight; every noun, almost, is capitalized; the abstractions are simple and dualistic. In the preliminary lecture on love, he extends his point by noticing the respective vices of men and women and says that men and women "must balance and redress each other" (*Early Lectures*, 3, p.63). He also attributes will, daring, and experimentation only to men, while confining women to sympathy, and sympathy to women. I would say that Emerson's commitment to seeing the world as comprised of salutary antagonisms and contrasts and of competing and divergent claims is reduced in these thoughts to a crude dichotomy and hence to a too easy aestheticism, to bad poetry -- the kind of all-too-human response to life that Emerson usually deplores and tries to cure so that a superior, democratized aestheticism can take its place. Even at its most conventional, however, Emerson's thought does not exhibit the crassness that denies women any share in the life of the mind. He readily associates the advance of civilization with their ever greater involvement in public and social life. But he makes men or masculinity represent the life of the mind.

MPP6-409 EMERSON AT LEAST LOOSENS GENDER DUALISM

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.120-1.

For the most part, Emerson loosens but does not abandon the dualism of masculine and feminine. He follows two loosening strategies. Common to them both is the decision to describe mental activity solely by reference to the categories of masculine and feminine. One strategy is to value masculine mental traits above feminine ones for the purposes of intellectual self-reliance, but also to say that some women show masculinity. (This is not to say that most men are relevantly masculine.) The other strategy is to claim that the most self-reliant person manages to combine in himself or herself both masculine and feminine intellectual traits and that both sets of traits are equally indispensable. What pervades Emerson's views is a readiness to detach intellectual gender from biological sex and point the way to an ideal hermaphroditism. Let me add that even when Emerson's emphasis is on mental life, his words on masculinity and femininity expand to cover the whole character.

I grant that to use the concepts of "masculine" and "feminine," even though distributed apart from the sex of persons, is to fix the possibilities of identity in a manner not consistent with the theory of democratic individuality. The founder of the theory does not think it through to its end. What cannot be denied, I believe, is that much of the time Emerson seems to regard the masculine traits, whether mental or more broadly characterological, as superior to their necessary feminine complement. Still, in loosening the dualism Emerson does unconventional work, the kind of work needed by the theory of democratic individuality, the heart of which is self-reliant perceiving and knowing, but which must also, of course, encompass being and acting.

MPP6-410 EXCESSIVE CONCERN OVER CONSISTENCY IS FOOLISH

Ralph Waldo Emerson, "Self-Reliance," in *EMERSON'S ESSAYS* (Apollo Edition), 1841, p.40-1.

The other terror that scares us from self-trust is our consistency; a reverence for our past act or word because the eyes of others have no other data for computing our orbit than our past acts, and we are loath to disappoint them. But why should you keep your head over your shoulder? Why drag about this monstrous corpse of your memory, lest you contradict somewhat you have stated in this or that public place? Suppose you should contradict yourself; what then? It seems to be a rule of wisdom never to rely on your memory alone, scarcely even in acts of pure memory, but to bring the past for judgment into the thousand-eyed present, and live ever in a new day. Trust your emotion. In your metaphysics you have denied personality to the Deity, yet when the devout motions of the soul come, yield to them heart and life, though they should clothe God with shape and color. Leave your theory, as Joseph his coat in the hand of the harlot, and flee.

A foolish consistency is the hobgoblin of little minds, adored by little statesmen and philosophers and divines. With consistency a great soul has simply nothing to do. He may as well concern himself with his shadow on the wall.

MPP6-411 AUTHENTIC ACTIONS ATTAIN CONSISTENCY OVER TIME

Ralph Waldo Emerson, "Self-Reliance," in *EMERSON'S ESSAYS* (Apollo Edition), 1841, p.42.

Fear never but you shall be consistent in whatever variety of actions, so they be each honest and natural in their hour. For of one will, the actions will be harmonious, however unlike they seem. These varieties are lost sight of when seen at a little distance, at a little height of thought. One tendency unites them all. The voyage of the best ship is a zigzag line of a hundred tacks. This is only microscopic criticism. See the line from a sufficient distance, and it straightens itself to the average tendency. Your genuine action will explain itself and will explain your other genuine actions.

MPP6-412 IDEOLOGIES ARE BLINDING

Ralph Waldo Emerson, "Self-Reliance," in *EMERSON'S ESSAYS* (Apollo Edition), 1841, p.39.

Well, most men have bound their eyes with one or another handkerchief, and attached themselves to some one of these communities of opinion. This conformity makes them not false in a few particulars, authors of a few lies, but false in all particulars. Their every truth is not quite true. Their two is not the real two, their four not the real four: so that every word they say chagrins us and we know not where to begin to set them right. Meantime nature is not slow to equip us in the prison-uniform of the party to which we adhere. We come to wear one cut of face and figure, and acquire by degrees the gentlest asinine expression.

MPP6-413 EMERSON STRESSES EACH INDIVIDUAL'S UNIQUENESS

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.167.

The basis of Emerson's view of vocation, as already indicated, is that every individual is unique. It is one's uniqueness that makes one indispensable to others, and irreplaceable, simultaneously allowing one to live properly with oneself. From one's uniqueness as an individual flows the uniqueness of one's work. Emerson's idea of individual uniqueness is centered in the idea that Hannah Arendt later calls "natality": the world is new to each of us, and each of us is new in it. Out of this encounter comes the ability to say or do what has never appeared before.

MPP6-414 EMERSON IS AN UNPARALLELED EXPONENT OF INDIVIDUALISM

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.xxvii-iii.

I believe that Emerson retains the power to disturb, that he remains radical. He can no longer affront orthodox religions: they perceive threats from other quarters. The slavery crisis has long since passed. But the underlying commitment setting him in opposition to the religions of his day and to the system of evil that was slavery fits him to stay radical in all situations. That commitment is to individualism, which he expounds as an ideal suitable for modern democracy. Indeed, he expounds it in a manner that has never been equalled. Though he wrote programmatic lectures and essays that specifically uphold the individual against the group mind or institutional constrictions, his articulation of individualism is constant, no matter what the subject is before him. He not only advocates individualism, he exemplifies it. He responds to life and the world with an individualistic sensibility, as if to show that to be an individual means not eccentricity but centrality. To be an individual means, above all, to see life and the world with one's own eyes, with eyes cleansed of the effects of the group mind and institutional constrictions. His aim is not to get us to agree with his judgments but to persuade us to take a chance and think for ourselves. Finally, we may agree with Emerson, but the agreement would concern the worthiness of life and the world, not the quality of the things that are in it.

MPP6-415 FOR EMERSON, THE MODERN WORLD REQUIRES SELF-OVERCOMING INDIVIDUALS

Cornel West, Professor of Afro-American Studies, Harvard, *THE AMERICAN EVASION OF PHILOSOPHY*, 1989, p.16.

The third premise of Emerson's theodicy is that the experimental makings, workings, and doings of human beings have been neither adequately understood nor fully unleashed in the modern world. Furthermore, a more adequate understanding and fuller unleashing will occur when all obstacles, problems, and limitations are dwarfed by the march of giants, the actualizing of the potential of genius of individuals willing to rely on and trust themselves. For Emerson, the modern world needs self-sustaining and self-overcoming individuals who would flex their intellectual, social, political, and economic muscles in order to gain wisdom, i.e., "to see the miraculous in the common," and to build "the Kingdom of man over nature."

MPP6-416 EMERSON GROUNDS ETHICS IN INDIVIDUAL EXPERIENCE

Robert D. Richardson Jr., former Professor of English, University of Denver, *EMERSON: THE MIND ON FIRE*, 1995, p.234.

Emerson is at last neither derivative nor eclectic. His insistence on grounding thought, action, ethics, religion, and art in individual experience is his center. He makes a modern case for the idea that the mind common to the universe is disclosed to each individual through his or her own nature. In this respect Plato is a Greek premonition of Emerson, Marcus Aurelius a Roman one, and Kant a German one.

MPP6-417 EMERSON STRESSES INDIVIDUAL DIGNITY

Cornel West, Professor of Afro-American Studies, Harvard, *THE AMERICAN EVASION OF PHILOSOPHY*, 1989, p.28.

Emerson is the preeminent proponent of the dignity and worth of human personality. This means neither that all persons are created equal nor that every person can be as great as every other. Emerson's notion of human personality does not derive from a particular political doctrine or rest upon a theological foundation. Rather it is the starting point and ultimate aim of his project.

In all my lectures, I have taught one doctrine, namely, the infinitude of the private man.

MPP6-418 SOCIETY CONTINUALLY ATTEMPTS TO UNDERMINE INDIVIDUAL AUTONOMY

Ralph Waldo Emerson, "Self-Reliance," in *EMERSON'S ESSAYS* (Apollo Edition), 1841, p.35.

These are the voices which we hear in solitude, but they grow faint and inaudible as we enter into the world. Society everywhere is in conspiracy against the manhood of every one of its members. Society is a joint-stock company, in which the members agree, for the better securing of his bread to each shareholder, to surrender the liberty and culture of the eater. The virtue in most request is conformity. Self-reliance is its aversion. It loves not realities and creators, but names and customs. Who so would be a man, must be a nonconformist.

MPP6-419 SOCIAL CONFORMITY UNDERMINES PERSONAL INTEGRITY

Ralph Waldo Emerson, "Self-Reliance," in *EMERSON'S ESSAYS* (Apollo Edition), 1841, p.38.

The objection to conforming to usages that have become dead to you is that it scatters your force. It loses your time and blurs the impression of your character. If you maintain a dead church, contribute to a dead Bible Society, vote with a great party either for the Government or against it, spread your table like base housekeepers, -- under all these screens I have difficulty to detect the precise man you are. And of course so much force is withdrawn from your proper life. But do your thing, and I shall know you. Do your work, and you shall reinforce yourself.

MPP6-420 PURSUING ONE'S UNIQUENESS OFFERS OTHERS AN EXAMPLE OF INTEGRITY

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.172.

If one is oneself and not a socially constructed collage, one's uniqueness is revealed. At the same time, one stands for something. The world always needs examples of integrity. In seeing character as vocation, we avoid excessive intellectualism and we also repel delusions about the chances of an objective, substantive, monumental achievement that is truly one's own. One's character may show itself in any particular activity one wants to do or must do, as well as in the whole range of activities that one chooses or is driven to take up as especially appropriate for one's unfolding in one's specific vocation. Work exists for the self, provided the work is done for its own sake and on its own best terms; but the self exists for more than work. One's character is one's manner of being, one's continuous style. To work on it is to refuse to think that one just exists, like a rose in bloom. One must work to persist as oneself. One neither invites nor declines challenge to one's integrity. Identity is discipline. One takes the world seriously by taking oneself seriously. One wants to be the best one can. One's character is an offering to the world in the sense that an example of self-search and self-finding is being presented.

MPP6-421 EMERSON'S FOCUS ON PERSONAL INTEGRITY PARALLELS FOUCAULT'S

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.172.

To interpret Emerson I can do no better than quote a passage from an interview Foucault gave a few months before his death: Let us take for example Socrates.... He is truly the man who cares for others. That is the particular position of the philosopher, But let us say it simply: in the case of the free man, I think that the assumption of all this morality was that the one who cared for himself correctly found himself, by that very fact, in a measure to behave correctly in relationship to others and for others. A city where everyone would be correctly concerned for self would be a city that would be doing well, and it would find therein the ethical principle of its stability. But I don't think that one can say that the Greek who cares for himself should first of all care for others.... One must not have the care for others precede the care for the self. The care for self takes moral precedence in the measure that the relationship to self takes ontological precedence. (J. Bernauer and D. Rasmussen, eds., *The Final Foucault*, 1988, p. 7)
Foucault ends where Emerson begins and ends.

MPP6-422 PERSONAL INDEPENDENCE IS THE HALLMARK OF GREATNESS

Ralph Waldo Emerson, "Self-Reliance," in *EMERSON'S ESSAYS* (Apollo Edition), 1841, p.38.

What I must do is all that concerns me, not what the people think. This rule, equally arduous in actual and in intellectual life, may serve for the whole distinction between greatness and meanness. It is the harder because you will always find those who think they know what is your duty better than you know it. It is easy in the world to live after the world's opinion; it is easy in solitude to live after our own; but the great man is he who in the midst of the crowd keeps with perfect sweetness the independence of solitude.

MPP6-423 GREATNESS IS GROUNDED IN INDIVIDUAL SELF-EXPRESSION

Ralph Waldo Emerson, "Self-Reliance," in *EMERSON'S ESSAYS* (Apollo Edition), 1841, p.61.

That which each can do best, none but his Maker can teach him. No man yet knows what it is, nor can, till that person has exhibited it. Where is the master who could have taught Shakespeare? Where is the master who could have instructed Franklin, or Washington, or Bacon, or Newton? Every great man is an unique. The Scipionism of Scipio is precisely that part he could not borrow. If anybody will tell me whom the great man imitates in the original crisis when he performs a great act, I will tell him who else than himself can teach him. Shakespeare will never be made by the study of Shakespeare, Do that which is assigned thee and thou canst not hope too much or dare too much.

MPP6-424 HISTORY IS THE PRODUCT OF GREAT INDIVIDUALS

Ralph Waldo Emerson, "Self-Reliance," in *EMERSON'S ESSAYS* (Apollo Edition), 1841, p.44.

Every true man is a cause, a country, and an age; requires infinite spaces and numbers and time fully to accomplish his thought; -- and posterity seem to follow his steps as a procession. A man Caesar is born, and for ages after we have a Roman Empire. Christ is born, and millions of minds so grow and cleave to his genius that he is confounded with virtue and the possible of man. An institution is the lengthened shadow of one man; as, the Reformation, of Luther; Quakerism, of Fox; Methodism, of Wesley; Abolition, of Clarkson. Scipio, Milton called "the height of Rome"; and all history resolves itself very easily into the biography of a few stout and earnest persons.

MPP6-425 EMERSONIAN INDIVIDUALISM CONTRIBUTES TO THE COMMON GOOD

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.136.

These various notions do have, however, a common substantive element: all self-reliant activity is a service or a contribution to others. I do not mean to be paradoxical. In his fierce attack on the slaveholders' contempt for work, Emerson says:

Use, labor of each for all, is the health and virtue of all beings. Ich dien, I serve, is a truly royal motto . . . God is God because he is the servant of all. ("American Civilization," *Miscellanies*, p. 297)

The plain fact is that Emerson's conceptualization of individualism -- his philosophy of self-reliance -- is always concerned to connect the individual to the world, but only in ways suitable for the individuality of all persons. And just as the higher self-reliance, which is mental, is finally vindicated by the almost indiscriminate appreciation and affirmation of (the world to which it should lead, so the lesser self-reliance, which is active, is praiseworthy to the extent that it serves or contributes to those who are mostly unknown to the actor. Emersonian self-reliance is a democratic individuality.

MPP6-426 PURSUING ONE'S TRUE VOCATION MAKES THE GREATEST CONTRIBUTION TO OTHERS

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.162-3.

But Emerson has yet another idea of active self-reliance that I think he ranks higher than this one -- in fact, ranks as the highest one of all in his writings: the idea of active self-reliance as finding and doing one's work. To "be what you are" is to pursue not an endless experiment but your vocation. In pursuing one's vocation, one most certainly acts as an individual, as oneself, and also makes the greatest contribution to others, even if not always or not even usually mindful of one's work as a contribution, but rather thinking that in caring for one's work, one is caring for oneself as an object worthy of care, and caring for oneself nonegotistically. Let it be said that Emerson lived life as vocation: he remained as true to his vocation as anyone could desire while refusing experiments in living.

MPP6-427 FOR EMERSON, INDIVIDUALISM HUMANIZES THE WORLD

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.139.

Emerson's underlying premise, therefore, is that if we strive to be what we are, the world will be better off and all the better without the deliberate attempt to make it better. It will be better because it will be more moral, but also more human. It will be more human because the world will be made up of individuals rather than masses, of individuals, not dependents and recipients, not instruments and followers. The whole hope is for a society where no one is what Emerson calls a "pensioner" or a "permitted person," but rather "an adult, self-searching soul, brave to assist or resist a world" ("Speech" [Free Religious Association], *Miscellanies*, p. 487).

MPP6-428 INDIVIDUALISM IS THE BEST CHECK ON GOVERNMENT

Ralph Waldo Emerson, "Politics," in *EMERSON'S ESSAYS* (Apollo Edition), 1844, p.415.

The antidote to this abuse of formal Government, is, the influence of private character, the growth of the Individual; the reappearance of the principal to supersede the proxy; the appearance of the wise man, of whom the existing government, is, it must be owned, but a shabby imitation. That which all things tend to educe, which freedom, cultivation, intercourse, revolutions, go to form and deliver, is character; that is the end of nature, to reach unto this coronation, of her king.

MPP6-429 EMERSON UPHOLDS THE VALUES OF SOCIABILITY

Christopher Lasch, Professor of History, University of Rochester, *THE TRUE AND ONLY HEAVEN*, 1991, p.268.

Often misunderstood as a radical individualist, Emerson considers the loss of human fellowship a grievous affliction, as did his contemporary Hawthorne. His understanding of the importance of sociability is one of the many things that mark his superiority to Thoreau, often ranked more highly than Emerson both as a writer and as a tough-minded thinker. Emerson wants men and women to become more "self-reliant" precisely so that they can meet each other as equals, without deference or condescension. In "Society and Solitude," one of his last essays, he condemns solitude as a condition "against nature" and notes that sociability, though it should be "taken in very small doses," confers "immense" benefits. "A man must be clothed with society, or we shall feel a certain bareness and poverty" of spirit. Without "children, events, a social state and history," he writes in "Culture" (1860), we lack "body or basis."

MPP6-430 FOR EMERSON, FREEDOM IS AN ULTIMATE VALUE

Robert D. Richardson Jr., former Professor of English, University of Denver, *EMERSON: THE MIND ON FIRE*, 1995, p.503.

For Emerson is at last convinced that the universe can be understood as "advance out of fate into freedom." Merely to say "Hegelian" or "dialectical" is finally misleading too, since the main force of the essay is not so much a theory of history as a platform for present action. Emerson began by asking, "How should I lead my life?" The answer given by the essay "Fate" is "Pursue freedom." Freedom is as much the "beautiful necessity" as is the standing order.

MPP6-431 LIBERTY REINFORCES CONSCIENCE

Ralph Waldo Emerson, "Politics," in *EMERSON'S ESSAYS* (Apollo Edition), 1844, p.412.

The fact of two poles, of two forces, centripetal and centrifugal, is universal, and each force by its own activity develops the other. Wild liberty develops iron conscience. Want of liberty, by strengthening law and decorum, stupefies conscience. "Lynch-law" prevails only where there is greater hardihood and self-subsistency in the leaders. A mob cannot be a permanency: everybody's interest requires that it should not exist, and only justice satisfies all.

MPP6-432 EMERSON STRESSES INTELLECTUAL AND RELIGIOUS INDEPENDENCE

Robert Bellah, et al., Professor of Sociology, University of California, Berkeley, *HABITS OF THE HEART*, 1985, p.63. In "Self-Reliance," Emerson is even more concerned with intellectual and religious independence than he is with economic independence. He writes, "The highest merit we ascribe to Moses, Plato and Milton is that they set at naught books and traditions, and spoke not what men but what they thought. A man should learn to detect and watch that gleam of light which flashes across his mind from within, more than the lustre of the firmament of bards and sages." Emerson assumes that his fellows accept his own confidence in the individual soul: "Trust thyself; every heart vibrates to that iron string."

MPP6-433 LEGAL CONSTRAINT IS AN AFFRONT TO INDIVIDUAL AUTONOMY

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.189-90.

Political discussion is a lovely thing, but no matter how lovely, discussion has an upshot: regulation. I am being told what I must do, well beyond the minimum of respecting the claims of others. Even though I may be a participant in the assembly that makes a decision, I revert to the status of subject insofar as I now must obey. But more typically, politics is not all deciding for each, but some deciding for others, when it would be better if no decision were made. And when the law commands me to do what I know I must do without being told, the insult is deep. What Emerson thinks Jesus perceived about the law of Moses is present also in Emerson's opinion about the state's codification of the moral minimum: "Having seen that the law in us is commanding, he would not suffer it to be commanded" ("Address," Harvard Divinity School, p. 90).

MPP6-434 EMERSON FAVORED INTERNATIONAL LAW OVER NATIONALISM

Robert D. Richardson Jr., former Professor of English, University of Denver, *EMERSON: THE MIND ON FIRE*, 1995, p.275-6.

But the essay veers sharply as Emerson next insists that war reflects only the primitive and early part of human development: "The sympathy with war is a juvenile and temporary state." To thoughtful people of the present day, war "begins to look like an epidemic insanity." Emerson expects the future to bring an end to war and a new era of international law and cooperation to replace the era of nationalism and competition. Emerson looks forward to an international "congress of Nations" as a forum for settling disputes, and he challenges his audience to look on peace as an even more heroic endeavor than war.

MPP6-435 EMERSON PRIORITIZED NATURAL OVER HUMAN LAW

Robert D. Richardson Jr., former Professor of English, University of Denver, *EMERSON: THE MIND ON FIRE*, 1995, p.497.

The address was not all inflammatory rhetoric. Emerson was after the high ground. "If our resistance to this law is not right," he said, "there is no right." This is almost exactly the ground Lincoln claimed when he said, "If slavery is not wrong, nothing is wrong." Emerson took some trouble to clarify the concept of an immoral law, finding precedents both in Blackstone and in canon law. Blackstone acknowledged a "law of nature" that held "that we should live on, should hurt nobody, and should render unto every one his due," and he insisted that "no human laws are of any validity if contrary to this." Canon law simply said that "neither allegiance nor oath can bind to obey that which is wrong."

MPP6-436 EMERSON WASN'T A NAIVE OPTIMIST

Christopher Lasch, Professor of History, University of Rochester, *THE TRUE AND ONLY HEAVEN*, 1991, p.262.

Not a naysayer, a spokesman for the tragic sense of life like Hawthorne or Melville, he was nevertheless no idiotic "optimist." "No picture of life can have any veracity," he once wrote, "that does not admit the odious facts." His thought did not lack awareness of evil, as so often charged. He knew that "things seem to tend downward," as he wrote in his essay on Montaigne, "to justify despondency, to promote rogues, to defeat the just," and to deliver society "from the hands of one set of criminals into the hands of another set of criminals." If he said yes to life, he understood how easy it is to say no. He preached justice and hope, not optimism. It is time to rescue Emerson from his rescuers, those professional Pollyannas who have tried (beginning in his own lifetime) to counter the early impression of his "fatalism" by making him the patron saint of positive thinking.

MPP6-437 EMERSON'S INDIVIDUALISM LEADS TO THE REJECTION OF POLITICS

Cornel West, Professor of Afro-American Studies, Harvard, *THE AMERICAN EVASION OF PHILOSOPHY*, 1989, p.17.

This American religion that extols human power, vision, newness, and conquest domesticates and dilutes the devastating critiques of American civilization put forward by Emerson himself. This is so because Emerson's notion of power -- the onward transitions and upward crossings achieved by human willpower -- celebrates moral transgression at the expense of social revolution. Emerson is not a social revolutionary because "he believes he is already on the right track and moving towards an excellent destiny." Moral transgression essentially consists for Emerson in the exercise of personal conscience against custom, law, and tradition. It rests upon a deep distrust of the masses, a profound disenchantment with the dirty affairs of politics and fervent defense of individual liberties.

MPP6-438 EMERSON'S ANTI-SLAVERY EFFORTS WERE AN EXCEPTION TO HIS GENERAL DISDAIN FOR POLITICS

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.177-8.

With the passage of the Fugitive Slave Law of 1850, Emerson embarks on a lengthy episode of agitation for one reform: the containment or abolition of slavery. This spreading evil -- this evil which is truly evil, not only apparently so -- forces him to change his attitude on the subject of associating for reform. He does his share by speaking his mind and trying to persuade others to a common anti-slavery cause. What is remarkable is not that Emerson frequently makes public speeches against slavery and even campaigns in 1851 for a particular anti-slavery candidate, John Gorham Palfrey. (Even in the denunciation of slavery he can be philosophically respectful of the fateful and as it were helpless enmeshment of slaveowners in their evil.) The aberration is that he urges solidarity -indeed mobilization -- on others, and, when the occasion arises, does not shrink from advocating violence in the effort to destroy slavery. That profound change is a deviation from his theory of self-reliance, not its transformation. Or, we can say that Emerson accepts the sacrifices of every sort -- including the abandonment of aspirations of free persons to self-reliance -- which are needed to give all Americans, not just some, the chance for self-reliance. Perhaps a society has no self-reliance anywhere in it if there are slaves anywhere in it. But before this change in, or suspension of, Emerson's teaching takes place, he discountenances association as solidarity.

MPP6-438A EMERSON SEES POLITICS AS GENERALLY DEGRADING

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.188.

But when politics leaves the face-to-face situation, Emerson finds abstractness, alienation, unreality; he also finds gross distortions of the political person's character that indicate various kinds of egotistical self-loss. Further, enterprises of power are often wicked. If he does not define self-reliant activity as morally driven, he certainly insists that it be morally enclosed. The regular immorality of political life -- even when democratic -- appalls him. The inveterate nature of political life -- even when democratic -- appalls him.

MPP6-439 EMERSON STRESSES THE FLUID AND PLURALISTIC NATURE OF POWER

Cornel West, Professor of Afro-American Studies, Harvard, *THE AMERICAN EVASION OF PHILOSOPHY*, 1989, p.12. A good place to begin is with Emerson's reflections on power. First, his view of power is multileveled; that is, it encompasses and distinguishes the powers of the nation, the economy, the person, tradition, and language. Second, he celebrates the possession, use, and expansion of certain kinds of power, especially transgressive acts of the literate populace that promote moral aims and personal fulfillment. Third, Emerson's perspective on power accentuates in an unprecedented manner the fluid, protean, and dynamic elements in human relations and transactions with nature. In this regard, Emerson's complex and perceptive reflections on power are guided by a profound historical consciousness.

MPP6-440 EMERSON SAW POLITICAL POWER AS INHERENTLY CORRUPTING

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.189.

Politics is a machine that exists to create "friction" ("Politics," *Early Lectures*, 2, p. 69). The search for power corrupts character, and so does its exercise. The association of politics with force and violence, and with deceit and charlatanism, is incurable and dismaying. Of all worldly pursuits, politics is the most likely to be immoral, and that is in part the case because it joins the most real means to the most unreal ends. Equally important, the very idea of political order -- namely, that each of us is to be bound by innumerable political enactments -- is offensive.

MPP6-441 EMERSON STRONGLY INFLUENCED SUBSEQUENT AMERICAN PRAGMATISM

Cornel West, Professor of Afro-American Studies, Harvard, *THE AMERICAN EVASION OF PHILOSOPHY*, 1989, p.35. Emerson's dominant themes of individuality, idealism, voluntarism, optimism, amelioration, and experimentation prefigure those of American pragmatism. His complex articulation of a distinct Americanism grounded on specific interpretations of power, provocation, and personality -- that is, both the content of this ideology and the way in which he presented it -- deeply shaped the emergence and development of American pragmatism. Furthermore, the way in which Emerson formed a constituency constitutes a model for American pragmatists to this day.

MPP6-442 EMERSON REJECTED FOUNDATIONALISM

Cornel West, Professor of Afro-American Studies, Harvard, *THE AMERICAN EVASION OF PHILOSOPHY*, 1989, p.36. Furthermore, Emerson's alternative to modern philosophy was neither to replace it with a new philosophical problematic nor to deny it by means of a strict and severe skepticism. Rather he evades modern philosophy; that is, he ingeniously and skillfully refuses: (1) its quest for certainty and its hope for professional, i.e., scientific, respectability; (2) its search for foundations. This distinctly American refusal is the crucible from which emerge the sensibilities and sentiments of future American pragmatists.

MPP6-443 PROGRESS IS AN ILLUSION

Ralph Waldo Emerson, "Self-Reliance," in EMERSON'S ESSAYS (Apollo Edition), 1841, p.62.

Society never advances. It recedes as fast on one side as it gains on the other. Its progress, is only apparent like the workers of a treadmill. It undergoes continual changes; it is barbarous, it is civilized, it is christianized, it is rich, it is scientific; but this change is not amelioration. For every thing that is given something is taken. Society acquires new arts and loses old instincts. What a contrast between the wellclad, reading, writing, thinking American, with a watch, a pencil and a bill of exchange in his pocket, and the naked New Zealander, whose property is a club, a spear, a mat and an undivided twentieth of a shed to sleep under. But compare the health of the two men and you shall see that his aboriginal strength, the white man has lost. If the traveller tell us truly, strike the savage with a broad axe and in a day or two the flesh shall unite and heal as if you struck the blow into soft pitch, and the same blow shall send the white to his grave.

MPP6-444 EMERSON REJECTED NAIVE FAITH IN PROGRESS

Christopher Lasch, Professor of History, University of Rochester, THE TRUE AND ONLY HEAVEN, 1991, p.15-16. In the nineteenth century, a time when the progress of human ingenuity seemed to promise a decisive victory over fate, Thomas Carlyle and Ralph Waldo Emerson, latter-day Calvinists without a Calvinist theology, reminded their readers that human beings did not control their own fate. They argued, in effect, that fate could be conquered only by "wonder" and virtue -- by grateful acceptance of a world that was not made solely for human enjoyment. Their insistence on human limitations, it seems to me, had a good deed in common with the populist critique of "improvement," even though it was couched in a philosophical rather than a political idiom. Emerson's principle of "compensation" can be understood as an exploration of the moral implications of "unearned increment." Defiance of fate, as Emerson saw it, amounted to a form of tax evasion, an attempt to get something for nothing -- to escape the duty on desire. The political economists of progress hoped to unleash wealth-creating desire; Emerson and Carlyle reaffirmed the ancient folk wisdom according to which overweening desire invites retribution, the corrective, compensatory force of nemesis.

MPP6-445 EMERSON DEFENDS PROPERTY RIGHTS

George Kateb, Professor of Politics, Princeton, EMERSON AND SELF-RELIANCE, 1995, p.144.

It is true that Emerson is solicitous of productivity. For that reason the security of private property occupies a major place in his reflections on the purposes of government. Property is one of the "two objects for whose protection government exists." The other object is persons. Although all human beings must have, for the sake of being persons, equal rights "in virtue of being identical in nature ... in virtue of their access to reason," ("Politics," p. 560) the right of property is the right to unequal amounts of it. What is the moral basis of unequal property?

One man owns his clothes, and another owns a county. This accident, depending primarily on the skill and virtues of the parties, of which there is every degree, and secondarily on patrimony, falls unequally, and its rights of course are unequal. (p. 560)

MPP6-446 EMERSON SEES THE ENTREPRENEURIAL SPIRIT AS LIFE ENHANCING

George Kateb, Professor of Politics, Princeton, EMERSON AND SELF-RELIANCE, 1995, p.151.

The search for wealth is not only a search for power, it is an impulse of power. That means it is also a display of energy -- a display that the philosophical observer can see as a display, even though those who display it are not interested necessarily in offering themselves a spectacle. The creatures of energy are too busy to watch themselves or convert themselves into the raw material of their own contemplation or retrospection. But Emerson observes and encourages all of us to do so. His writings throughout his life contain tributes to the entrepreneurial energies of the Americans and the English. It is fitting that one of his tributes is found in the chapter, "Success," in Society and Solitude:

Our American people cannot be found taxed with slowness in performance or in praising their performance. The earth is shaken by our engineering. We are feeling our youth and nerve and bone. We have the power of territory and of sea-coast, and know the use of these. (p. 289)

That he says that Americans are not slow in praising their own performance is a sly word of satire. Still, Emerson admires. What I think he admires, above all, is the sense of indefinite yearning and reaching that is conveyed by a wealth-seeking society so extravagant and wasteful in its worldly motions. Hence Emerson finds that recklessness, not prudence, is often at the root of the search for wealth, and that self-expenditure is not for the sake of future economic expenditure but for the sake of self-testing and self-discovery, or, more likely, self-forgetting.

MPP6-447 THE SPIRIT OF COMMERCE ENCOURAGES INDIVIDUALISM

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.148.

The age of trade or commerce is one that is marked, Emerson says, "by the immense creation of property and so by the increase of the political importance of individuals everywhere, or the steady progress of the democratical element" ("The Present Age," *Early Lectures*, 2, p. 160). These words appear in a lecture of 1837. They are perfectly consonant with Emerson's published work, from start to finish. He cannot reject the pursuit of wealth or the spirit of commerce if he is to be consistently attentive to the necessary preconditions or inevitable accompaniments of a society of individuals. In a slightly later lecture, 1939, he sees commerce as a fruit, though not the only one, of "the new habit of thought." That habit he calls "analysis," which expels religion and all traditional sentiments. Analysis is the secular spirit of modern life. It goes with severance and detachment and hence with freedom. It sustains the culture of commerce. "Commerce removes from nature that mystery and dread which in the infancy of society defend man from profanation before yet his prudence and his conscience are enlightened."

MPP6-448 IN OPPOSING SLAVERY, EMERSON JUSTIFIED LIMITS ON INDIVIDUALISM IN ORDER TO ULTIMATELY ADVANCE IT

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.186.

Given Emerson's individualist political ideas, what follows when co operation is desperately needed? Slavery energizes Emerson's own citizenship, but the truth is that evil, this evil, cannot be handled by his theorization of what counts as admirable in political life. Even his appreciation of the virtues that war can inspire and employ only goes so far. In war he sees barbarism above all, while a barbarous war was needed to abolish slavery. The institution that denied every hope for millions of people that they could ever aspire to self-reliance had to be destroyed by the ready abandonment or self-reliance through mobilization, military discipline, obedience, and eventually by a conscripted self-sacrifice. The potential individualism of black slaves required the suspension of the individualism of free Northern whites. The politics and then the war of abolition became all-devouring. The Fugitive Slave Law of 1850 leads Emerson to a wholly uncharacteristic praise of mobilized human beings. He finds it delicious to act with great masses to great aims. "We shall one day bring the States shoulder to shoulder and the citizens man to man to exterminate slavery."

MPP6-449 EMERSON THOUGHT WAR WAS JUSTIFIED TO ABOLISH SLAVERY

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.187.

Emerson does not flinch. He suspends his theory, just as the war against slavery suspended many positive projects. Emerson urges the war on. "America, the most prosperous country in the Universe, has the greatest calamity in the Universe, negro slavery" ("The Fugitive Slave Law," 1851, *Miscellanies*, p. 186). The lesser calamity of war must be endured to end the greater calamity. Emerson's moral commitments silence his existential passions.

MPP6-450 EMERSON'S RACISM WAS OF A VERY MILD VARIETY

Cornel West, Professor of Afro-American Studies, Harvard, *THE AMERICAN EVASION OF PHILOSOPHY*, 1989, p.34.

I am suggesting neither that Emerson is an exemplary North Atlantic racist nor that his peculiar form of racism simply rationalizes Euro-American domination and extermination of Native Americans and Mexicans. In fact, his rejection of John Knox's theory of racial physiological incompatibility (hence rigid racial boundaries) and approval of racial "mixing" make Emerson a rather liberal "racist." Furthermore, Emerson's moral support for Indians and Mexican sovereignty is well known, though his organic conception of history renders this "against-the-grain" support rather impotent and innocuous.

MPP6-451 EMERSON DISLIKES THE COMMITMENT TO REFORM

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.175.

It could be asked, Does not the urgency of reform -- to leave aside communal experiments -- override concern for the individualistic independence of the reformers? Indeed, can't reformers find realization of their individuality, employment for their active self-reliance, in lending -- giving -- themselves to movements of reform? Can't reformers discover new energies and unsuspected talents in themselves? Emerson gives little to the good effects of reformist participation on the individual's unfolding. He does not find in the average reformer the apparent selflessness that is actually a commitment to his or her own integrity, There is shrinkage into monomania, and then into reaction.

MPP6-452 EMERSON WAS SKEPTICAL TOWARDS SOCIAL REFORM

Christopher Lasch, Professor of History, University of Rochester, *THE TRUE AND ONLY HEAVEN*, 1991, p.273. Emerson's consistently skeptical attitude toward social reform has to be seen in the same light. He sympathized with many of the social movements of his day, and one of them, abolition, eventually enlisted his almost unqualified support: but for the most part he remained deplorably aloof, from the reformers' point of view. He holds that modern society needs "faith," not reform. In "New England Reformers" (1844), he urges reformers to "look beyond surfaces" and partial remedies. Society needs self-respecting men and women, not a perfect set of institutions. "The disease with which the human mind now labors is want of faith." In effect, Emerson takes the position that the state cannot dispense with virtue, that virtue lies in the citizen, not in the institutions. He wonders too whether reformers, too eager to level mankind to a common type, will not destroy respect for "genius," which inspires people by its example to live on a "higher plane." "We are weary of gliding ghostlike through the world.... We desire ... to be touched by that fire which shall command this ice to stream, and make our existence a benefit."

MPP6-453 SELF-REFORM MUST COME BEFORE REFORMING OTHERS

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.176.

If the reform is to be genuine, the reformer must first be self-reformed. It is not clear, however, that Emerson thinks that a self-reformed person will find it sensible to devote himself or herself to projects, of reform, which often appear to be projects for the reform of the character of others as much as for the reform of practices and institutions. The unreformed cannot reform the unreformed; all must reform themselves. He says: The criticism and attack on institutions which we have witnessed, has made one thing plain, that society gains nothing whilst a man, not himself renovated, attempts to renovate things around him: he has become tediously good in some particular, but negligent or narrow in the rest; and hypocrisy and vanity are often the disgusting result, ("New England Reformers," p. 596)

MPP6-454 PERSONAL AND PROPERTY RIGHTS ARE BOTH NECESSARY

Ralph Waldo Emerson, "Politics," in *EMERSON'S ESSAYS* (Apollo Edition), 1844, p.407.

Property will be protected. Corn will not grow, unless it is planted and manured; but the farmer will not plant or hoe it, unless the chances are a hundred to one, that he will cut and harvest it. Under any forms, persons and property must and will have their just sway. They exert their power, as steadily as matter its attraction. Cover up a pound of earth never so cunningly, divide and subdivide it; melt it to liquid, convert it to gas; it will always weigh a pound: it will always attract and resist other matter, by the full virtue of one pound weight; -- and the attributes of a person, his wit and his moral energy, will exercise, under any law or extinguishing tyranny, their proper force, if not overtly, then covertly; if not for the law, then against it; with right, or by might.

MPP6-455 EMERSON REJECTS ROUSSEAU'S IDENTIFICATION OF THE INDIVIDUAL WITH THE GENERAL WILL

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.182-3.

Does Emerson avoid the theoretical move made by Rousseau, by which social uniformity effaces the distinction between the individual and the general, and one's will ideally tends to the general will? The proposition that I obey myself by obeying the same law everybody else does, and which we have made together to bind us all, is not truly individualist. Emerson does not reach for it. To be sure, self-reliant individuals demand popular self-government, and each demands inclusion for himself ("The Fortune of the Republic," *Miscellanies*, p. 528). But Emerson's approach is not Rousseau's.

MPP6-456 FOR EMERSON, SELF-RELIANCE IS A PREREQUISITE TO CREATIVITY

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.19.

Positively, self-reliance is self-trust. "in self-trust all the virtues are comprehended" ("The American Scholar," p. 65). Napoleon commands our respect, says Emerson, "by his enormous self-trust" ("Greatness," *Letters*, p. 314). He goes on to define Napoleon's self-trust as "the habit of seeing with his own eyes." From such self-reliance or self-trust would flow a further daring: to experience honestly and act adventurously. The power which resides in every person is "new in nature" ("Self-Reliance," p. 259). Every individual is a new individual and can, with self-trust, do in the world something not yet done but worth doing. Creativity is always possible; creativity is actual when people trust themselves:

There are creative manners, there are creative actions, and creative words, manners, actions, words, that is, indicative of no custom or authority, but springing spontaneous from the mind's own sense of good and fair. ("The American Scholar," p. 59) Such creativity is released only when conformity gives way: "imitation is suicide" ("Self-Reliance," p. 259). "Whoso would be a man must be a nonconformist" (p. 261).

MPP6-457 EMERSON PLACED SELF-RELIANCE WITHIN MORAL LIMITS

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.136-7.

Although Emerson's emphasis is on service or contribution, his notion of active self-reliance has a complex relation to morality. Emerson does not, with single-minded devotion, yoke self-reliant activity exhaustively to the moral good. More precisely, self-reliant activity will be framed by moral limits, but Emerson does not theorize it as morally motivated, except belatedly when he countenances conscientious resistance to laws that directly implicate all citizens in the maintenance of slavery. Insofar as moral purposes are achieved by self-reliant activity, they should be achieved, for the most part, indirectly. Emerson praises moral conduct insistently, almost obsessively, but his theorization of self-reliant activity is not morally driven. Its core is not moral duty. The core of positive individuality is not moral duty. He says in "Uses of Great Men" that "indirect service" is the best service.

MPP6-458 EMERSONIAN SELF-RELIANCE IS ESSENTIAL FOR DEMOCRACY

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.202.

There is one last and less grand consideration. The truth is that if we close off the possibility of innocence altogether, we call into question the legitimacy of democracy. The doctrine of self-reliance, mental and active, must be retained if our commitment to democracy is to be anything more than a grudging acceptance of it as merely the least bad form of government, acceptable to us but with no special place in human life and unimplicated in enhancing human nature. Self-reliance is the soil and fruit and flower of modern democracy. If self-reliance is discredited, democracy is reduced. The status of Emerson is tied to the status of democracy.

MPP6-459 EMERSON REJECTS SOCIALISM

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.144.

State socialism is altogether incompatible with every aspect of Emerson's thought. Cooperative socialism is not wholly foreign to Emerson, and he pays it tribute by saying:

The socialism of our day has done good service in setting men on thinking how certain civilizing benefits, now only enjoyed by the opulent, can be enjoyed by all. ("Wealth," p. 995)

But the best socialism must leave Emerson half-hearted. The contributions that people would make to one another under its system are too direct. The benevolence would be too studied, too relentless. There would be no innocence in indifference. The sense of being an individual would become attenuated, even if productivity could be unselfishly maintained.

MPP6-460 FOR EMERSON, SOLIDARITY WITH OTHERS UNDERMINES THE SELF

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.175.

I think that the key consideration is that by mortgaging or pledging oneself to others, by committing oneself to defer to the preponderant will and judgment of others for the sake of some common purpose, by embarking on the relationship of solidarity, one may dwarf oneself. Movements for reform fall under the some individualist skepticism as experiments in communal living. Emerson insists:

The union is only perfect when all the uniters are isolated. It is the union of friends who live in different streets or towns. Each man, if he attempts to join himself to others, is on all sides cramped and diminished of his proportion; and the stricter the union the smaller and the more pitiful he is. (p. 599)

Emerson preaches "the distrust of numbers" when numbers are zealous to improve society ("Lecture on the Times," p. 162).

MPP6-461 EMERSONIAN INDIVIDUALISM REJECTS SOLIDARITY

Cornel West, Professor of Afro-American Studies, Harvard, *THE AMERICAN EVASION OF PHILOSOPHY*, 1989, p.18. Similarly, Emerson's understanding of vision -- in fact, much of his obsession with seeing and sight -- promotes separateness over against solidarity, detachment over against association, and individual intuition over against collective action.

MPP6-462 THE LESS GOVERNMENT THE BETTER

Ralph Waldo Emerson, "Politics," in *EMERSON'S ESSAYS* (Apollo Edition), 1844, p.414-15.

This is the history of governments, -- one man does something which is to bind another. A man who cannot be acquainted with me, taxes me; looking from afar at me, ordains that a part of my labor shall go to this or that whimsical end, not as I, but as he happens to fancy. Behold the consequence. Of all debts, men are least willing to pay the taxes. What a satire is this on government! Everywhere they think they get their money's worth, except for these. Hence, the less government we have, the better, -- the fewer laws, and the less confided power.

MPP6-463 THE PEOPLE SHOULD LEAD THE STATE, NOT THE STATE THE PEOPLE

Ralph Waldo Emerson, "Politics," in *EMERSON'S ESSAYS* (Apollo Edition), 1844, p.403.

But the wise know that foolish legislation is a rope of sand, which perishes in the twisting; that the State must follow, and not lead the character and progress of the citizen; the strongest usurper is quickly got rid of; and they only who built on Ideas, build for eternity; and that the form of government which prevails, is the expression of what cultivation exists in the population which permits it.

MPP6-464 THE STATE IS SUBORDINATE TO THE INDIVIDUAL

Ralph Waldo Emerson, "Politics," in *EMERSON'S ESSAYS* (Apollo Edition), 1844, p.402-3.

In dealing with the State, we ought to remember that its institutions are not aboriginal, though they existed before we were born: that they are not superior to the citizen: that every one of them was once the act of a single man: every law and usage was a man's expedient to meet a particular case; that they all are imitable, all alterable; we may make as good; we may make better.

MPP6-465 EMERSON'S POLITICS ARE BASICALLY LIBERTARIAN

Cornel West, Professor of Afro-American Studies, Harvard, *THE AMERICAN EVASION OF PHILOSOPHY*, 1989, p.40. Emerson is neither a liberal nor a conservative and certainly not a socialist or even civic republican. Rather he is a petit bourgeois libertarian, with at times anarchist tendencies and limited yet genuine democratic sentiments. It is no accident that the most sustained institutional commitment of Emerson's life is a pedagogical one: to his lifelong friend Bronson Alcott's "progressive" school in Boston. In fact, he and Alcott often discussed setting up a special innovative and open college with limited enrollment and courses in Concord. For Emerson, politics is not simply the clash of powers and pleasures but also another terrain on which the moral development of individuals should take place. Needless to say, his disappointment with and distrust of governments ran deep. This further reinforced his sense of political impotence.

MPP6-466 FOR EMERSON, TRADITION IS UNDERMINED BY THE ONGOING FLUX OF THE WORLD

Cornel West, Professor of Afro-American Studies, Harvard, *THE AMERICAN EVASION OF PHILOSOPHY*, 1989, p.15. The second Emersonian premise is that the basic nature of things, the fundamental way the world is, is itself incomplete and in flux, always the result of and a beckon to the experimental makings, workings, and doings of human beings. Language, tradition, society, nature, and the self are shot through with contingency, change, and challenge. This perception is captured most vividly in "Circles" published in his *Essays*, First Series (1841).

Every action admits of being outdone. Our life is an apprenticeship to the truth, that round every circle another can be drawn; that there is no end in nature, but every end is a beginning; that there is always another dawn rise on mid-noon, and under every deep a lower deep opens.

MPP6-467 TRADITION SHOULD BE SUBORDINATE TO THE INDIVIDUAL

Ralph Waldo Emerson, "Self-Reliance," in *EMERSON'S ESSAYS* (Apollo Edition), 1841, p.36.

What have I to do with the sacredness of traditions, if I live wholly from within? my friend suggested, -- "But these impulses may be from below, not from above." I replied; "They do not seem to me to be such; but if I am the devil's child, I will live then from the devil." No law can be sacred to me but that of my nature. Good and bad are but names very readily transferable to that or this; the only right is what is after my constitution; the only wrong what is against it.

MPP6-468 INDIVIDUAL INSIGHT SHOULD TAKE PRECEDENCE OVER TRADITION

Ralph Waldo Emerson, "Self-Reliance," in *EMERSON'S ESSAYS* (Apollo Edition), 1841, p.32.

Familiar as the voice of the mind is to each, the highest merit we ascribe to Moses, Plato and Milton is that they set at naught books and traditions, and spoke not what men, but what they thought. A man should learn to detect and watch that gleam of light which flashes across his mind from within, more than the lustre of the firmament of bards and sages. Yet he dismisses without notice his thought, because it is his. In every work of genius we recognize our own rejected thoughts; they come back to us with a certain alienated majesty. Great works of art have no more affecting lesson for us than this. They teach us to abide by our spontaneous impression with goodhumored inflexibility then most when the whole cry of voices is on the other side. Else to-morrow a stranger will say with masterly good sense precisely what we have thought and felt all the time, and we shall be forced to take with shame our own opinion from another.

MPP6-469 TRANSCENDENTALISM OFFERS AN ALTERNATIVE TO LIBERAL ALTERNATIVE TO UTILITARIANISM

Robert D. Richardson Jr., former Professor of English, University of Denver, *EMERSON: THE MIND ON FIRE*, 1995, p.250-1.

By virtue of its openness to science (understood as the study of nature), transcendentalism avoids divorcing itself from the mainstream of modern science and technology. But it affirms that "not he is great who can alter matter, but who can alter my state of mind." Some say that modern liberalism is without a soul. Transcendentalism in general and Emersonian idealism in particular offer an alternative to utilitarian liberalism, to leader worship, and to collectivism. Transcendentalism's commitment to the individual and to the principle of individuation is a commitment to the soul or spirit that each person possesses in common with all other human beings. It is the ambition, if it has not yet been the fate, of transcendentalism to provide a soul for modern liberalism and thereby to enlarge the possibilities of modern life.

MPP6-470 EMERSON STRESSED THE VALUE OF VIRTUE
 Christopher Lasch, Professor of History, University of Rochester, *THE TRUE AND ONLY HEAVEN*, 1991, p.274.
 By the middle of the nineteenth century, republican "virtue" had lost most of its earlier associations with the pursuit of glory, as we have seen, and now survived, in a residual form, chiefly as a synonym for the independence conferred by property ownership and an honest calling. Emerson shares his contemporaries' concern with the social preconditions of "virtue and self-respect" -- qualities explicitly linked together in "Friendship" and in a number of other essays. But he restores all the earlier connotations of virtue as well: "energy of the spirit," "genius," "force," "vigor." The "vigor of wild virtue" equips us for the "rugged battle of fate." It dissolves "cowardly doubts" and "skepticism." It frees man from "condescension to circumstances." It cannot be learned in libraries or drawing rooms, in "tea, essays and catechism." It needs "rougher instruction" -- "men, labor, trade, farming, war, hunger, plenty, love, hatred, doubt and terror." Virtue overcomes "natural force," perhaps because it partakes of this same excess in nature -- its overflowing vitality and abundance, its fullness and profusion, its willingness to sacrifice the individual to the species.

MPP6-471 EMERSON STRESSES REPUBLICAN VIRTUE
 Christopher Lasch, Professor of History, University of Rochester, *THE TRUE AND ONLY HEAVEN*, 1991, p.274.
 Emerson's interest in "virtue" and "character" as the proper ends of political life, though seldom couched in the rhetoric of citizenship, links him to the republican and populist traditions. "It is a peremptory point of virtue that a man's independence be secured," he writes in "Wealth." A debtor is a "slave." "When one observes in the hotels and palaces of our Atlantic capitals the habit of expense, the riot of the senses, the absence of bonds, clanishness, fellow-feeling of any kind -- he feels that when a man or a woman is driven to the wall, the chances of integrity are frightfully diminished." Poverty and luxury alike erode independence. The "manly part" is to find an honorable line of work and to pursue it "with might and main." The "brave workman" forfeits "grace" and "elegance" but gains "a certain haughtiness." The "mechanic at his bench," with his "quiet heart and assured manners," deals "on even terms with men of any condition." Those who speak through their "faithful work" can "afford not to conciliate."

MPP6-472 EMERSON APPEALED TO CLASSICAL CONCEPTIONS OF VIRTUE
 Christopher Lasch, Professor of History, University of Rochester, *THE TRUE AND ONLY HEAVEN*, 1991, p.275.
 "Spiritual Laws," the piece in which Emerson most clearly restates this "old-fashioned way of thinking, follows "Compensation" in the First Series and serves as its companion. Taken together, these two essays (along with other writings) make it clear that Emerson, like Carlyle, draws not only on stoic and Aristotelian conceptions of virtue but on Christian conceptions as well.

MPP6-473 EMERSON WAS A UNIQUELY INFLUENTIAL AMERICAN THINKER

Cornel West, Professor of Afro-American Studies, Harvard, *THE AMERICAN EVASION OF PHILOSOPHY*, 1989, p.9.
 The long shadow cast by Ralph Waldo Emerson over American pragmatism has been often overlooked and rarely examined. Yet Emerson not only prefigures the dominant themes of American pragmatism but, more important, enacts an intellectual style of cultural criticism that permits and encourages American pragmatists to swerve from mainstream European philosophy. Like Friedrich Nietzsche -- and deeply adored by him -- Emerson is a singular and unique figure on the North Atlantic intellectual landscape who defies disciplinary classification.

MPP6-474 EMERSON IS THE MOST IMPORTANT AMERICAN WRITER

Christopher Lasch, Professor of History, University of Rochester, *THE TRUE AND ONLY HEAVEN*, 1991, p.547.
 As a result of this journey, so full of surprises -- not the least gratifying of which was the discovery, at the very end of it, long after the first draft of my book was completed, of Stanley Cavell's moving essay "Hope against Hope," *American Poetry Review* 15 (Jan.-Feb. 1986): 9-13-1 have come to share Cavell's belief that Emerson is our most important writer and that the prevailing "condescension" towards him "helps to keep our culture, unlike any other in the West, from possessing any founding thinker as a common basis for its considerations." Condescension, it should be noted, also defines the prevailing attitude towards our most important political tradition, populism.

MPP6-475 EMERSON IS THE REPRESENTATIVE AMERICAN THINKER

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.197.

Emerson is the American Shakespeare. His power of articulation is so great, so uninhibited, that he gives voice to almost all the general thoughts and recurrent sentiments that have since arisen in American culture. Not only does he wield his great influence, whether admitted or not, he also and perhaps more importantly has the uncanny ability to be the supreme representative man. He is always present. He not only codifies all that is radical in his inheritance, he pursues its intimations to a very far distance. And he anticipates what will be said and felt. He helps to map the mind of the American democracy. Emerson's formulations and general method of intellectual self-reliance can inspire a renovation of outlook, while his theorization of active self-reliance can give clues to the meaning of living and acting as oneself. Emerson is the founder of the philosophy of democratic individuality.

MPP6-476 EMERSON IS A GREAT MORAL PHILOSOPHER
 George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.xxix.

Emerson is not, however, exhaustible by the Nietzschean connection. Nor is he exhaustible by even the fullest account of self-reliance. He is a great moral philosopher. He can be enlisted in many causes or none at all. His powers exceed any person's or any age's use. He stays permanently fresh if read without condescension.

MPP6-477 THE RISE OF MASS SOCIETY DOESN'T UNDERMINE EMERSON'S THOUGHT

George Kateb, Professor of Politics, Princeton, *EMERSON AND SELF-RELIANCE*, 1995, p.197-8.

But are the claims I am making inflated -- perhaps grossly so? Grant that in his time and place Emerson played a needed role, awakening longings and a sense of life that justified his (radical) eloquence. But is his work still usable? Is it relevant now? Has it actually been relevant for a century or more? Did the failure of the Emersonian theory of self-reliance in the face of the crisis over slavery and the Civil War portend that theory's general inapplicability to ever more dire or complex social circumstances? We have referred to Emerson's growing preoccupation with masses. But let us say that his theory supplies guidance in the effort to break up masses and that masses do not crush his theory. The very fact of numbers, of immense populousness need not preclude even active self-reliance, let alone mental self-reliance. We can even add that the work of Walt Whitman shows how enormous is the digestive capacity of a theorization of democratic individuality that is closely related to Emersonian self-reliance in both its mental and active meanings. Whitman plants democratic individuality firmly in the city, and the theory emerges, if anything, enhanced."

MPP6-478 EMERSON'S INDIVIDUALISM ENCOURAGES POLITICAL PASSIVITY

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.204-5.

The self-reliant and trusting man with his sights upon the universe about him was the natural epitome of Emerson's philosophical convictions.

All that you call the world is the shadow of that substance which you are, the perpetual creation of the powers of thought, of those that are dependent and of those that are independent of your will. Do not cumber yourself with fruitless pains to mend and remedy remote effects; let the soul be erect, and all things will go well.

This belief, carried to an extreme, could lead to a doctrine of individual perfection and political passivity and indifference. Indeed, Emerson himself was slow in recognizing the validity and efficacy of political reform; some of his sharpest criticisms were levelled against the social reformers, for his emphasis was always upon the individual rather than society.

MPP6-479 EMERSONIAN INDIVIDUALISM IS PSYCHOLOGICALLY DEBILITATING

Robert Bellah, et al., Professor of Sociology, University of California, Berkeley, *HABITS OF THE HEART*, 1985, p.81.

Another way out of the dead end of radical individualism, a way inherited from Wordsworth, Emerson, and other romantics, and presently found among some humanistic and transpersonal psychologists, is to assume that at the core of every person is a fundamental spiritual harmony that links him or her not only to every other person but to the cosmos as a whole. Here, too, external authority, cultural tradition, and social institutions are all eschewed. The self in all its pristine purity is affirmed. But somehow that self, once discovered, turns out to be at one with the universe.. Romantic and psychologistic pantheism is, indeed, linked to one strand of our religious heritage, as we shall see later. But such romantic individualism is remarkably thin when it comes to any but the vaguest prescriptions about how to live in an actual society.

We want to make it clear that we are not saying that the people to whom we talked have empty selves. Most of them are serious, engaged, deeply involved in the world. But insofar as they are limited to a language of radical individual autonomy, as many of them are, they cannot think about themselves or others except as arbitrary centers of volition. They cannot express the fullness of being that is actually theirs.

MPP6-480 FOCUS ON SELF-RELIANCE LEADS TO INDIVIDUAL ISOLATION

Robert Bellah, et al., Professor of Sociology, University of California, Berkeley, *HABITS OF THE HEART*, 1985, p.56.

Some critics have seen the "work ethic" in decline in the United States and a "narcissistic" concern with the self emerging in its place. In our conversations, we have found that an emphasis on hard work and self-support can go hand in hand with an isolating preoccupation with the self, as Tocqueville feared would be the case. Indeed, work continues to be critically important in the self-identity of Americans, closely linked to the demand for self-reliance. The problem is not so much the presence or absence of a "work ethic" as the meaning of work and the ways it links, or fails to link, individuals to one another.

MPP6-481 EMERSON'S INDIVIDUALISM REINFORCES MARKET CULTURE

Cornel West, Professor of Afro-American Studies, Harvard, *THE AMERICAN EVASION OF PHILOSOPHY*, 1989, p.27.

On the other hand, Emerson projects a conception of the self that can be easily appropriated by market culture for its own perpetuation and reproduction. In fact, the well-known shift from the idealistic criticisms of the market in the early Emerson to the "realistic" apologies for the market in the later Emerson has much to do with his perceptions of the impotence of his criticisms. Again, this perceived impotence sits well with his relative political inaction.

MPP6-482 EMERSONIAN INDIVIDUALISM ENCOURAGES VIOLENT CONFLICT

Cornel West, Professor of Afro-American Studies, Harvard, *THE AMERICAN EVASION OF PHILOSOPHY*, 1989, p.19-20.

This Emersonian quest for placement at the start of new time and space is closely linked to his mythic conception of the exceptional individual as America. As we saw earlier, this mythic individual possesses divine-like power, all-encompassing vision, and a penchant for newness in order to convert the world. Yet this conversion cannot but take the form of conquest because through an Emersonian lens there are only new selves to make, new histories to project, new authorities and traditions to undermine, and new lands and wildernesses upon which heroic energies of exceptional individuals, e.g., singular America, are to be expended. Conversion, for Emerson, is a trope for moral regeneration, which is itself a process motored by struggle, exertion of conflicting wills (within and among selves), and violence. As Michael Lopez perceptively notes, For Emerson, war was "the Father of all things." The world was "a battleground, every principle ... A war-note." (It is difficult to comprehend Emerson's championing of the creative powers of war if one does not understand this basic aspect of his metaphysic.) In man's "lapsed estate" the crises which try his edge can appear as "the natural history of calamity" rather than that natural history of growth by which the universe proceeds and metamorphoses itself. War was within "the highest right" because it mimicked nature's tendency to "break up the old adhesions" and allow "the atoms of society to take a new order." Similarly, the incessant battle the soul waged within itself required the daily setting aside of its "dead circumstances." The task of self-conquest involved a simultaneous destruction of the self. The history of the expansion of the self is concurrently the history of its defeat.

MPP6-483 EMERSON'S CRITIQUE OF RELIGION IS POLITICALLY DISABLING

Christopher Lasch, Professor of History, University of Rochester, *THE TRUE AND ONLY HEAVEN*, 1991, p.267. The real "fallacy" of organized religion, we might argue in opposition to Emerson, lies in its appeal to the poor to postpone their revenge to the next life -- a counsel of political submission, transparently designed to divert their sense of injustice into the politically innocuous channel of piety and prayer. Why should they have to wait for their reward? Why should they be discouraged -- except that the vision of a heavenly reward, of theologically deferred gratification, serves to shore up the existing structures of social injustice -- from taking matters into their own hands? Why should social justice be left up to God? Popular religion, we can agree, concedes too much to conventional ideals of success, but Emerson's criticism of those ideals seems to lead to political consequences even more deplorable than the consequences entailed by an uncritical affirmation of them. Popular preaching at least nourishes a justifiable feeling of resentment. Emerson, on the other hand, assures the dispossessed that justice actually reigns, when common sense tells us that it is everywhere in hiding. Emerson is a Pollyanna after all. What can his wildly optimistic assessment of the situation possibly mean? That virtue is its own reward? Cold comfort!

MPP6-484 EMERSONIAN REJECTION OF POLITICS REQUIRES HUMAN PERFECTION

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.205-6.

Thus did Emerson, seeking the cultivation of individuals to the point of perfection, aim for heaven here on earth, a state of innocence and wisdom in the future which would not require the awkward government of man. The absence of government, it should be emphasized, however, hinged upon the attainment of perfection in men.

MPP6-485 EMERSON'S CULT OF AMERICA UNDERMINES HIS CULTURAL CRITICISM

Cornel West, Professor of Afro-American Studies, Harvard, *THE AMERICAN EVASION OF PHILOSOPHY*, 1989, p.20. In this way, Emerson's "American religion" renders his moral objections and cultural criticisms of America virtually impotent and politically ineffective. More pointedly, his theodicy converges with, though it is in no way identical with, what Richard Slotkin has recently analyzed as the ideological content of the myth of the frontier. This myth bifurcates both American geography and American cultural discourse into two realms: metropolis/civilization associated with scarcity, density, competition, and culture; and wilderness/savagery signifying cheap, abundant resources, usurpation of authority and tradition, and need for colonization. The ever-advancing line of demarcation between these realms is the frontier.

MPP6-486 EMERSON'S VIEW OF THE AMERICAN SELF IS RACIST

Cornel West, Professor of Afro-American Studies, Harvard, *THE AMERICAN EVASION OF PHILOSOPHY*, 1989, p.28. Yet most Emerson scholars have given him too much of the benefit of the doubt regarding just how universally applicable his notion of personality was meant to be. I suggest that his ideal of the human person, though complex and profound, is inseparable from his understanding of race. This is so not simply because, as Philip Nicoloff has shown, Emerson is a typical nineteenth-century North Atlantic "mild racist." Rather this is so also because Emerson understands the person as a specific mythic entity, an emerging American self or a unique variant of the North Atlantic bourgeois subject. This understanding cannot but be shot through with certain xenophobic sensibilities and racist perceptions of the time. Emerson indeed is no garden-variety racist or ranting xenophobe, yet he is a racist in the American grain in that his notion of human personality is, in part, dependent on and derived from his view of the races.

MPP6-487 EMERSON'S VIEWS JUSTIFY WHITE IMPERIALISM

Cornel West, Professor of Afro-American Studies, Harvard, *THE AMERICAN EVASION OF PHILOSOPHY*, 1989, p.34. What I am suggesting is that Emerson's conception of the worth and dignity of human personality is racially circumscribed; that race is central to his understanding of the historical circumstances which shape human personality; and that this understanding can easily serve as a defense of Anglo-Saxon imperialist domination of non-European lands and peoples. In this way, Emerson's reflections on race are neither extraneous nor superfluous in his thought. Rather they are the pillar for his later turn toward history, circumstance, fate, and limitation.

MPP6-488 EMERSON DEVALUES DISADVANTAGED GROUPS

Cornel West, Professor of Afro-American Studies, Harvard, *THE AMERICAN EVASION OF PHILOSOPHY*, 1989, p.20. Conversion of the world and moral regeneration for individuals are related to conquest and violence not solely because Emerson devalues those peoples associated with virgin lands, cheap labor, and the wilderness -- e.g. Indians, Negroes, women -- but also because for Emerson land, labor, and the wilderness signify unlimited possibilities and unprecedented opportunities for moral development. As he wrote in his journals in May-June 1851:

The absence of moral feeling in the white man is the very calamity I deplore. The captivity of a thousand Negroes is nothing to me.

MPP6-489 THE FEDERALISTS REJECTED COMMUNITARIAN CRITIQUES OF THE CONSTITUTION
Isaac Kramnick, Professor of Government, Cornell, Introduction to *THE FEDERALIST PAPERS*, Penguin Books edition, 1987, p.60.

Madison and Hamilton understood full well that this communitarian sentiment lay at the core of much of the Anti-Federalist critique of the new constitutional order and they dismissed it out of hand. In Federalist No. 35 Hamilton ridiculed the face-to-face politics of those "whose observation does not travel beyond the circle of his neighbor and his acquaintances." Madison in No. 10 described two alternative ways of eliminating the causes of factions and thus the politics of interest: one by "destroying the liberty which is essential to its existence; the other, by giving to every citizen the same opinions, the same passions, and the same interests." They were both unacceptable alternatives to him. To do either would cut out the very heart of the liberal politics he championed.

MPP6-490 THE FEDERALISTS DEEMPHASIZED CIVIC VIRTUE

Isaac Kramnick, Professor of Government, Cornell, Introduction to *THE FEDERALIST PAPERS*, Penguin Books edition, 1987, p.56.

Hamilton was perfectly aware that his praise of private gratification, avarice and private gain flew in the face of older ideals of civic virtue and public duty which emphasized the subordination of private interest to the public good. He turned this very rejection of the older moral ideal into an argument for the need of a federal standing army. This was a further blow to the ideals of civic virtue, which had always seen professional armies as evil incarnate, undermining the citizen's self-sacrificial participation in the defense of the public realm, which was the premise of the militia.

MPP6-491 UNTIL LEGALLY ALTERED, THE CONSTITUTION MUST BE OBEYED

Alexander Hamilton, first Secretary of the Treasury, "Number Seventy-eight," *THE FEDERALIST PAPERS*, 1788, (Penguin Books, 1987), p.440-1.

Though I trust the friends of the proposed Constitution will never concur with its enemies in questioning that fundamental principle of republican government which admits the right of the people to alter or abolish the established Constitution whenever they find it inconsistent with their happiness; yet it is not to be inferred from this principle that the representatives of the people, whenever a momentary inclination happens to lay hold of a majority of their constituents incompatible with the provisions in the existing Constitution, would, on that account, be justifiable in a violation of those provisions: or that the courts would be under a greater obligation to connive at infractions in this shape than when they had proceeded wholly from the cabals of the representative body. Until the people have, by some solemn and authoritative act, annulled or changed the established form, it is binding upon themselves collectively, as well as individually: and no presumption, or even knowledge, of their sentiment can warrant their representatives in a departure from it prior to such an act. But it is easy to see that it would require an uncommon portion of fortitude in the judges to do their duty as faithful guardians of the Constitution, where legislative invasions of it had been instigated by the major voice of the community.

MPP6-492 ACTS OF CONGRESS ARE VOID IF THEY VIOLATE THE CONSTITUTION

Alexander Hamilton, first Secretary of the Treasury, "Number Seventy-eight," *THE FEDERALIST PAPERS*, 1788, (Penguin Books, 1987), p.438.

There is no position which depends on clearer principles than that every act of a delegated authority, contrary to the tenor of the commission under which it is exercised, is void. No legislative act, therefore, contrary to the Constitution, can be valid. To deny this would be to affirm that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people are superior to the people themselves; that men acting by virtue of powers may do not only what their powers do not authorize, but what they forbid.

MPP6-493 THE CONSTITUTION AS FUNDAMENTAL LAW REQUIRES JUDICIAL INTERPRETATION

Alexander Hamilton, first Secretary of the Treasury, "Number Seventy-eight," *THE FEDERALIST PAPERS*, 1788, (Penguin Books, 1987), p.439.

A constitution is, in fact, and must be regarded by the judges as, a fundamental law. It therefore belongs to them to ascertain its meaning as well as the meaning of any particular act proceeding from the legislative body. If there should happen to be an irreconcilable variance between the two, that which has the superior obligation and validity ought, of course, to be preferred: or, in other words, the Constitution ought to be preferred to the statute, the intention of the people to the intention of their agents.

MPP6-494 THE FEDERALIST IS THE MOST AUTHORITATIVE EXPOSITION OF THE CONSTITUTION
Isaac Kramnick, Professor of Government, Cornell, Introduction to *THE FEDERALIST PAPERS*, Penguin Books edition, 1987, p.12.

The Federalist is still, as Madison pointed out, "the most authentic exposition of the text of the Federal Constitution, as understood by the Body which prepared and the authority which accepted it."

MPP6-495 THE FEDERALIST IS A MAJOR SOURCE OF CONSTITUTIONAL INTERPRETATION

Edward Mead Earle, Institute for Advanced Study, Princeton, Introduction to *THE FEDERALIST*, Modern Library College Edition, 1937, p.x-xi.

Although *The Federalist* was frankly a campaign document, it is doubtful whether it had much influence in determining the issue of ratification of the Constitution. It holds an important place, of course, as the classic contemporary exposition and defense of the Constitution, but its real significance is by no means so ephemeral. It was the first and continues to be the most important discussion of federal government, for which the Constitution of the United States set a significant precedent. It was and still is a masterly analysis and interpretation of the Constitution and of the fundamental principles upon which the government of the United States was established. It has been cited as a source of constitutional law by the Supreme Court of the United States and is so regarded by other lawyers. As Chief Justice Marshall said, "Its intrinsic merit entitles it to this high rank [as a complete commentary on our Constitution], and the part two of its authors performed in framing the Constitution, put it, very much in their power to explain the views with which it was framed". It is also a work of first-rank importance in the history of political philosophy and, in particular, in the theory of representative government. It was first published in French translation in 1792 (when French political institutions were being fervidly debated). Although it did not appear in an edition primarily for British readers until 1911, it has had widespread influence in Great Britain and the Dominions.

MPP6-496 PURE DEMOCRACY IS INEVITABLY DESTROYED BY FACTION

James Madison, fourth President of the United States, "Number Ten," *THE FEDERALIST PAPERS*, 1788, (Penguin Books, 1987), p.126.

From this view of the subject it may be concluded that a pure democracy, by which I mean a society consisting of a small number of citizens, who assemble and administer the government in person, can admit of no cure for the mischief of faction. A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert results from the form of government itself, and there is nothing to check the inducements to sacrifice the weaker party or an obnoxious individual. Hence it is that such democracies have ever been spectacles of turbulence and contention: have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths. Theoretic politicians, who have patronized this species of government, have erroneously supposed that by reducing mankind to a perfect equality in their political rights, they would at the same time be perfectly equalized and assimilated in their possessions, their opinions, and their passions.

MPP6-497 FREQUENT DIRECT APPEALS TO THE PUBLIC UNDERMINE RESPECT FOR LAW

James Madison, fourth President of the United States, "Number Forty-nine," *THE FEDERALIST PAPERS*, 1788, (Penguin Books, 1987), p.313-14.

In the next place, it may be considered as an objection inherent in the principle that as every appeal to the people would carry an implication of some defect in the government, frequent appeals would, in great measure, deprive the government of that veneration which time bestows on everything, and without which perhaps the wisest and freest governments would not possess the requisite stability. If it be true that all governments rest on opinion, it is no less true that the strength of opinion in each individual, and its practical influence on his conduct, depend much on the number which he supposes to have entertained the same opinion. The reason of man, like man himself, is timid and cautious when left alone, and acquires firmness and confidence in proportion to the number with which it is associated. When the examples which fortify opinion are ancient as well as numerous, they are known to have a double effect. In a nation of philosophers, this consideration ought to be disregarded. A reverence for the laws would be sufficiently inculcated by the voice of an enlightened reason. But a nation of philosophers is as little to be expected as the philosophical race of kings wished for by Plato. And in every other nation, the most rational government will not find it a superfluous advantage to have the prejudices of the community on its side.

MPP6-498 THE CONSTITUTION WAS DESIGNED TO CONSTRAIN DEMOCRACY

Richard Hofstadter, Professor of History, Columbia, *THE AMERICAN POLITICAL TRADITION*, 1948, p.4.

Throughout the secret discussions at the Constitutional Convention it was clear that this distrust of man was first and foremost a distrust of the common man and democratic rule. As the Revolution took away the restraining hand of the British government, old colonial grievances of farmers, debtors, and squatters against merchants, investors, and large landholders had flared up anew; the lower orders took advantage of new democratic constitutions in several states, and the possessing classes were frightened. The members of the Constitutional Convention were concerned to create a government that could not only regulate commerce and pay its debts but also prevent currency inflation and stay laws, and check such uprisings as the Shays Rebellion.

Cribbing and confining the popular spirit that had been at large since 1776 were essential to the purposes of the new Constitution.

MPP6-499 THE FEDERALISTS FAVORED CONSTRAINING DIRECT DEMOCRACY

Richard Hofstadter, Professor of History, Columbia, *THE AMERICAN POLITICAL TRADITION*, 1948, p.12.

The Fathers' conception of democracy, shaped by their practical experience with the aggressive dirt farmers in the American states and the urban mobs of the Revolutionary period, was supplemented by their reading in history and political science. Fear of what Madison called "the superior force of an interested and overbearing majority" was the dominant emotion aroused by their study of historical examples. The chief examples of republics were among the city-states of antiquity, medieval Europe, and early modern times. Now, the history of these republics -- a history, as Hamilton said, "of perpetual vibration between the extremes of tyranny and anarchy" -- was alarming. Further, most of the men who had overthrown the liberties of republics had "begun their career by paying an obsequious court to the people; commencing demagogues and ending tyrants." All the constitutional devices that the Fathers praised in their writings were attempts to guarantee the future of the United States against the "turbulent" political cycles of previous republics. By "democracy," they meant a system of government which directly expressed the will of the majority of the people, usually through such an assemblage of the people as was possible in the small area of the city-state.

MPP6-500 THE FEDERALIST DEFENDS STRONG LIMITS ON DEMOCRATIC MAJORITARIANISM

Edward Mead Earle, Institute for Advanced Study, Princeton, Introduction to THE FEDERALIST, Modern Library College Edition, 1937, p.xvii-xviii.

Distrust of democracy was clearly reflected in the Constitution. In No. 9 of The Federalist Hamilton presented a "catalogue of circumstances that tend to the amelioration" of popular government. These were: the separation of powers, the system of checks and balances, life tenure for judges during good behavior, and representative and federal government. Similarly, in other papers, he and Madison pointed out that the following were further safeguards: the difficulty of the amending process; direct election and comparatively long term of Senators, as well as equal representation of the States in the Senate; indirect election of the President; the presidential veto; and finally the American practice of judicial review of legislative and executive acts. Although no property qualifications were laid down for the suffrage, members of the House of Representatives were to be chosen by those electors eligible to vote for the lower house of the legislature in any given State; in effect this disqualified a considerable proportion of adult males.

MPP6-501 MADISON REJECTED PURE MAJORITARIANISM

Alan Pendleton Grimes, Michigan State University, AMERICAN POLITICAL THOUGHT, 1983, p.126.

Madison's essay on factions is in many respects similar to John Adams' statement of the case for the mixed constitution. Both men believed that human nature was such that men would continually seek their private advantage at the expense of the rest of the community whenever opportunity permitted. This strain in mankind permeated all classes of society and was characteristic of the rich as well as the poor, the merchant, the farmer, the laborer, the South as well as the North. While Adams believed that the public good could be achieved by balancing these competing interests in the legislature, Madison believed that competing interests would tend to check each other's machinations on a national scale. Neither man believed that under a system of simple majority rule the rights of the minority would be protected.

MPP6-502 THE CONSTITUTIONAL FRAMEWORK PROVED AMENABLE TO DEMOCRATIZATION

Edward Mead Earle, Institute for Advanced Study, Princeton, Introduction to THE FEDERALIST, Modern Library College Edition, 1937, p.xviii.

Far ahead of their times as the members of the Convention were in many respects, it would have been expecting a good deal to assume that they would embrace a form of government which, however praiseworthy in our time, was then the subject of a good many uncomplimentary allusions. This is the more obvious as such possible exponents of democracy as Jefferson, Paine, and Samuel Adams were not members of the Convention. But the frame-work of American institutions erected at Philadelphia proved easily adaptable to the purposes of democracy as it later developed, although direct election of Senators, the de jure enfranchisement of Negroes, and nation-wide woman suffrage required constitutional amendments.

MPP6-503 MADISON RECOGNIZED UNDERLYING DEMOCRATIC PRINCIPLES

Richard Hofstadter, Professor of History, Columbia, THE AMERICAN POLITICAL TRADITION, 1948, p.6.

James Madison, who has quite rightfully been called the philosopher of the Constitution, told the delegates: "It seems indispensable that the mass of citizens should not be without a voice in making the laws which they are to obey, and in choosing the magistrates who are to administer them." James Wilson, the outstanding jurist of the age, later appointed, to the Supreme Court by Washington, said again and again that the ultimate power of government must of necessity reside in the people. This the Fathers commonly accepted, for if government did not proceed from the people, from what other source could it legitimately come? To adopt any other premise not only would be inconsistent with everything they had said against British rule in the past but would open the gates to an extreme concentration of power in the future.

MPP6-504 MADISON'S VIEWS SUPPORT PLURALIST DEMOCRACY

Jerome Hanus, professor of government, American University, CHOOSING SCHOOLS, 1996, p.27.

MADISON CONTRIBUTED THE VIEW THAT PEOPLE WILL NATURALLY FORM FACTIONS OR ASSOCIATIONS TO PROTECT their common interests. Although he considered factions to be a danger to the common interests of the Republic, he was willing to see them continue to exist because he thought that they would generally offset one another and thus diminish any danger that they might pose. This view of the Constitution evolved (and, in the process, was modestly transformed) into the contemporary political theory of pluralist democracy in which groups are viewed as both natural and necessary to individual happiness and, consequently, that they should be encouraged.

MPP6-505 MADISON BELIEVED ELECTED ELITES WERE MOST FIT TO GOVERN

Charles Murray, fellow, American Enterprise Institute, IN PURSUIT OF HAPPINESS AND GOOD GOVERNMENT, 1994, p.132.

Madison took as the limit of his "great republican principle" that the common people would have the good sense to recognize the rarer men of virtue and wisdom who were fit to serve as their representatives. Such features of the Constitution as the electoral college and provision for the selection of senators by the state legislatures were a few of the concrete expressions of the Founders' doubts about the masses.

MPP6-506 THE FOUNDERS UPHELD EQUALITY IN THE MOST IMPORTANT SENSE

Charles Murray, fellow, American Enterprise Institute, IN PURSUIT OF HAPPINESS AND GOOD GOVERNMENT, 1994, p.133.

In terms of practical politics, the Founders' prescription was simple. Equality meant that all men shared as their birthright the same natural rights of liberty. All were equally immune by right from the arbitrary coercion of the state. This did not have anything to do with equality of outcome. Edmund Burke expressed the prevailing view when he wrote that "All men have equal rights, but not to equal things." The essence of this constrained vision of equality, as Thomas Sowell has pointed out, is process -- providing a level playing-field, to employ a modern analogy. Even this formulation permits semantic games, but the underlying meaning is reasonably clear. If your competitor comes to the playing field after months of practice, with professional coaching and superior ability, it is no doubt true that you will not derive much advantage from a level playing field. But there is a qualitative difference between your disadvantage under those circumstances and the disadvantage if the rules specify that the referee give you three strikes and your competitor four, or (worse) that no matter what, your competitor must win. For if you have superior abilities or even just superior determination, what you need most of all is a level playing field. What is deadening to the soul is not to lose, but to be forbidden to win. Until relatively recently in American history, such logic was taken for granted.

MPP6-507 THE FOUNDERS WERE EGALITARIAN IN REJECTING THE EQUATION OF VIRTUE WITH CLASS

Charles Murray, fellow, American Enterprise Institute, IN PURSUIT OF HAPPINESS AND GOOD GOVERNMENT, 1994, p.132.

Hofstadter was right. The Founders were distrustful of democratic rule. But the Founders believed that men were equal in another and crucial sense, and the affirmation of that equality was perhaps the most revolutionary and optimistic aspect of the Founders' conception of man. Their view was revolutionary first in that it broke with the assumption that inequalities were governed by class. The few who were fit to govern were not necessarily to be drawn from an economic or social aristocracy. Alexander Hamilton, in many ways the most elitist of the Founders, wrote matter-of-factly that "experience has by no means justified us in the supposition that there is more virtue in one class of men than in another." On the contrary, he continued, the only difference among the social classes is the type of vice that predominates, not its quantity." But beyond this pragmatic recognition that virtue and intelligence can reside in anyone was a broader affirmation of equality. The nobility of the American experiment lay in its allegiance to the proposition that everyone may equally aspire to happiness.

MPP6-508 A STRONG EXECUTIVE IS CRUCIAL TO GOOD GOVERNMENT

Alexander Hamilton, first Secretary of the Treasury, "Number Seventy," THE FEDERALIST PAPERS, 1788, (Penguin Books, 1987), p.402.

There is an idea, which is not without its advocates, that a vigorous executive is inconsistent with the genius of republican government. The enlightened well-wishers to this species of government must at least hope that the supposition is destitute of foundation; since they can never admit its truth, without at the same time admitting the condemnation of their own principles. Energy in the executive is a leading character in the definition of good government. It is essential to the protection of the community against foreign attacks; it is not less essential to the steady administration of the laws; to the protection of property against those irregular and high-handed combinations which sometimes interrupt the ordinary course of justice; to the security of liberty against the enterprises and assaults of ambition, of faction, and of anarchy.

MPP6-509 FEEBLE EXECUTION IS BY DEFINITION BAD GOVERNMENT

Alexander Hamilton, first Secretary of the Treasury, "Number Seventy," THE FEDERALIST PAPERS, 1788, (Penguin Books, 1987), p.402.

There can be no need, however, to multiply arguments or examples on this head. A feeble executive implies a feeble execution of the government. A feeble execution is but another phrase for a bad execution; and a government executed, whatever may be in theory, must be, in practice, a bad government.

MPP6-510 UNITY OF EXECUTIVE POWER IS ESSENTIAL
Alexander Hamilton, first Secretary of the Treasury, "Number Seventy," THE FEDERALIST PAPERS, 1788, (Penguin Books, 1987), p.403.

Those politicians and statesmen who have been the most celebrated for the soundness of their principles and for the justness of their views have declared in favor of a single executive and a numerous legislature. They have, with great propriety, considered energy as the most necessary qualification of the former, and have regarded this as most applicable to power in a single hand; while they have, with equal propriety, considered the latter as best adapted to deliberation and wisdom, and best calculated to conciliate the confidence of the people and to secure their privileges and interests.

That unity is conducive to energy will not be disputed. Decision, activity, secrecy, and dispatch will generally characterize the proceedings of one man in a much more eminent degree than the proceedings of any greater number; and in proportion as the number is increased, these qualities will be diminished.

MPP6-511 HAMILTON FAVORED A STRONG PRESIDENCY

Isaac Kramnick, Professor of Government, Cornell, Introduction to THE FEDERALIST PAPERS, Penguin Books edition, 1987, p.70.

All of the state-builder's euphemisms for power, "strength," "vigor" and "energy" come together in Hamilton's conception of the President's office. The Presidency was the heart of the new American state for Hamilton, just as the monarch and chief magistrate were for older European nation states. Had he not argued at Philadelphia for a life term for Presidents? Short of that, in Federalist No. 72 Hamilton defended the President's eligibility for indefinite reelection. How else, he asked, would a President be able to "plan and undertake extensive and arduous enterprises for the public benefit"? The President was the energetic and creative builder of an energetic state. In Federalist No. 70 Hamilton argued: "Energy in the executive is a leading character in the definition of good government.... A feeble executive implies a feeble execution of the government. A feeble execution is but another phrase for a bad execution; and, a government ill executed, whatever it may be in theory, must be, in practice, a bad government."

MPP6-512 CONTROLLING FACTION IS KEY TO STABLE GOVERNMENT

James Madison, fourth President of the United States, "Number Ten," THE FEDERALIST PAPERS, 1788, (Penguin Books, 1987), p.122-3.

Among the numerous advantages promised by a well-constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction. The friend of popular governments never finds himself so much alarmed for their character and fate as when he contemplates their propensity to this dangerous vice. He will not fail, therefore, to set a due value on any plan which, without violating the principles to which he is attached, provides a proper cure for it. The Instability, Injustice, and confusion introduced into the public councils have, in truth, been the mortal diseases under which popular governments have everywhere perished, as they continue to be the favorite and fruitful topics from which the adversaries to liberty derive their most specious declamations.

MPP6-513 MADISON'S DEFINITION OF "FACTION"

James Madison, fourth President of the United States, "Number Ten," THE FEDERALIST PAPERS, 1788, (Penguin Books, 1987), p.123.

By a faction I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.

MPP6-514 UNITY OF PUBLIC OPINION IS IMPOSSIBLE

James Madison, fourth President of the United States, "Number Ten," THE FEDERALIST PAPERS, 1788, (Penguin Books, 1987), p.123-4.

The second expedient is as impracticable as the first would be unwise. As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other; and the former will be objects to which the latter will attach themselves. The diversity in the faculties of men, from which the rights of property originate, is not less an insuperable obstacle to a uniformity of interests. The protection of these faculties is the first object of government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; and from the influence of these on the sentiments and views of the respective proprietors ensues a division of the society into different interests and parties.

MPP6-515 THE TENDENCY TO FACTION IS GROUNDED IN HUMAN NATURE

James Madison, fourth President of the United States, "Number Ten," THE FEDERALIST PAPERS, 1788, (Penguin Books, 1987), p.124.

The latent causes of faction are thus sown in the nature of man; and we see them everywhere brought into different degrees of activity, according to the different circumstances of civil society. A zeal for different opinions concerning religion, concerning government, and many other points, as well of speculation as of practice; an attachment to different leaders ambitiously contending for pre-eminence and power; or to persons of other descriptions whose fortunes have been interesting to the human passions, have, in turn, divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other than to co-operate for their common good. So strong is this propensity of mankind to fall into mutual animosities that where no substantial occasion presents itself the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions and excite their most violent conflicts.

MPP6-516 UNEQUAL DISTRIBUTION OF PROPERTY PRODUCES FACTION

James Madison, fourth President of the United States, "Number Ten," THE FEDERALIST PAPERS, 1788, (Penguin Books, 1987), p.124.

But the most common and durable source of factions has been the various and unequal distribution of property. Those who hold and those who are without property have ever formed distinct interests in society. Those who are creditors, and those who are debtors, fall under a like discrimination. A landed interest, a manufacturing interest, a mercantile interest, a moneyed interest, with many lesser interests, grow up of necessity in civilized nations, and divide them into different classes, actuated by different sentiments and views. The regulation of these various and interfering interests forms the principal task of modern legislation and involves the spirit of party and faction in the necessary and ordinary operations of government.

MPP6-517 GREED AND AMBITION ARE ONGOING SOURCES OF CONFLICT

Alexander Hamilton, first Secretary of the Treasury, "Number Six," THE FEDERALIST PAPERS, 1788, (Penguin Books, 1987), p.107.

There have been, if I may so express it, almost as many popular as royal wars. The cries of the nation and the importunities of their representatives have, upon various occasions, dragged their monarchs into war, or continued the them into it, contrary to their inclinations, and sometimes contrary to the real interests of the state. In that memorable struggle for superiority between the rival houses of Austria and Bourbon, which so long kept Europe in a flame, it is well known that the antipathies of the English against the French, seconding the ambition, or rather the avarice, of a favorite leader, protracted the war beyond the limits marked out by sound policy, and for a considerable time in opposition to the views of the court. The wars of these two last-mentioned nations have in a great measure grown out of commercial considerations -- the desire of supplanting and the fear of being supplanted, either in particular branches of traffic or in the general advantages of trade and navigation, and sometimes even the more culpable desire of sharing in the commerce of other nations without their consent.

MPP6-518 MAJORITY RULE CHECKS MINORITY FACTIONS

James Madison, fourth President of the United States, "Number Ten," THE FEDERALIST PAPERS, 1788, (Penguin Books, 1987), p.125.

If a faction consists of less than a majority, relief is supplied by the republican principle, which enables the majority to defeat its sinister views by regular vote. It may clog the administration, it may convulse the society; but it will be unable to execute and mask its violence under the forms of the Constitution.

MPP6-519 SELF-INTEREST MAKES FACTIONS INEVITABLE

Charles Murray, fellow, American Enterprise Institute, IN PURSUIT OF HAPPINESS AND GOOD GOVERNMENT, 1994, p.136.

It is important to emphasize, however, that factions were an inevitable result of man acting in a public setting, not a reflection of an intrinsically deficient human nature. Hume, from whom Madison drew his own views on this matter, put it succinctly: In forming a system of government, "every man ought to be supposed a knave" even though "at the same time, it appears somewhat strange, that a maxim should be true in politics which is false in fact" -- for, Hume observes, "men are generally more honest in their private than in their public capacity." To concur with Publius, one need not believe that men are depraved, only that, by and large, they are self-interested and prone to calculate their self-interest in fairly simple, immediate terms.

MPP6-520 THE FEDERALISTS, VIEW OF FACTION HAS BEEN BORNE OUT

Charles Murray, fellow, American Enterprise Institute, IN PURSUIT OF HAPPINESS AND GOOD GOVERNMENT, 1994, p.136.

It is impossible to avoid the coalescence of factions because "the latent causes of faction are ... sown in the nature of man." Publius saw the proof everywhere -- in the histories of the classical period as in the struggles that had attended the Confederation. "Has it not ... invariably been found," Hamilton asked in Federalist No. 6, "that momentary passions and immediate interests have a more active and imperious control over human conduct than general or remote considerations of policy, utility, or justice?" The modern reader may pause at the phrase "momentary passions" -- a modern rendering might be "one's current personal priorities" -- and the optimist will balk at the word "invariably," which is possibly too strong. But with these qualifications, subsequent history seems to bear Hamilton out.

MPP6-521 FEDERALISM RETAINS A STRONG SPHERE OF STATE AUTONOMY

Alexander Hamilton, first Secretary of the Treasury, "Number Nine," THE FEDERALIST PAPERS, 1788, (Penguin Books, 1987), p.122.

The definition of a confederate republic seems simply to be "an assemblage of societies," or an association of two or more states into one state. The extent, modifications, and objects of the federal authority are mere matters of discretion. So long as the separate organization of the members be not abolished; so long as it exists, by a constitutional necessity, for local purposes; though it should be in perfect subordination to the general authority of the union, it would still be, in fact and in theory, an association of states, or a confederacy. The proposed Constitution, so far from implying an abolition of the State governments, makes them constituent parts of the national sovereignty, by allowing them a direct representation in the Senate, and leaves in their possession certain exclusive and very important portions of sovereign power. This fully corresponds, in every rational import of the terms, with the idea of a federal government.

MPP6-522 FEDERALISM OFFERS THE BEST BALANCE OF NATIONAL AND LOCAL INTERESTS

James Madison, fourth President of the United States, "Number Ten," THE FEDERALIST PAPERS, 1788, (Penguin Books, 1987), p.127.

It must be confessed that in this, as in most other cases, there is a mean, on both sides of which inconveniences will be found to lie. By enlarging too much the number of electors, you render the representative too little acquainted with all their local circumstances and lesser interests; as by reducing it too much, you render him unduly attached to these, and too little fit to comprehend and pursue great and national objects. The federal Constitution forms a happy combination in this respect; the great and aggregate interests being referred to the national, the local and particular to the State legislatures.

MPP6-524 THE CONSTITUTION COMBINED FEDERAL AND NATIONAL MODES OF GOVERNMENT

Alan Pendleton Grimes, Michigan State University, AMERICAN POLITICAL THOUGHT, 1983, p.121.

Yet The Federalist carefully observed that while the national government operated directly upon individuals, it depended equally upon the states. The Senate check was essentially a state check upon the national government and might operate against actions taken by the House of Representatives or against the President in his appointive and treaty-making power, or even against the judiciary in trying cases of impeachment. The Constitution in fact provided for a composite system of government, one which was in part national and in part followed what Madison described as a federal plan. In Number 39 of The Federalist Madison attempted to describe the nature of this constitutional system.

In its foundation it is federal, not national; in the sources from which the ordinary powers of the government are drawn, it is partly federal and partly national; in the operation of these powers, it is national, not federal; in the extent of them, again, it is federal, not national; and, finally, in the authoritative mode of introducing amendments, it is neither wholly federal nor wholly national....

MPP6-526 HAMILTON SAW STRENGTH ABROAD AS ESSENTIAL FOR DOMESTIC HAPPINESS

Isaac Kramnick, Professor of Government, Cornell, Introduction to THE FEDERALIST PAPERS, Penguin Books edition, 1987, p.70-1.

Hamilton saw a close relationship between a state with energy and power at home and a powerful state in the world of states. At the Constitutional Convention he angrily replied to Pinckney's suggestion that republican governments should be uninterested in being respected abroad and concerned only with achieving "domestic happiness":

It has been said that respectability in the eyes of foreign nations was not the object at which we aimed, that the proper object of republican government was domestic tranquility and happiness. This was an ideal distinction. No government could give us tranquility and happiness at home, which did not possess stability and strength to make us respectable abroad.

MPP6-527 POWERS OF NATIONAL DEFENSE SHOULD BE UNCONSTRAINED

Alexander Hamilton, first Secretary of the Treasury, "Number Twenty-three." *THE FEDERALIST PAPERS*, 1788, (Penguin Books, 1987), p.184-5.

The authorities essential to the common defense are these: to raise armies; to build and equip fleets, to prescribe rules for the government of both, to direct their operations, to provide for their support. These powers ought to exist without limitation, because it is impossible to foresee or to define the extent and variety of national exigencies, and the correspondent extent and variety of the means which may be necessary to satisfy them. The circumstances that endanger the safety of nations are infinite, and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed. This power ought to be coextensive with all the possible combinations of such circumstances; and ought to be under the direction of the same councils which are appointed to preside over the common defense.

MPP6-528 LARGER UNITS OF GOVERNMENT ARE LESS PRONE TO FACTION

James Madison, fourth President of the United States, "Number Ten," *THE FEDERALIST PAPERS*, 1788, (Penguin Books, 1987), p.127.

The other point of difference is the greater number of citizens and extent of territory which may be brought within the compass of republican than of democratic government; and it is this circumstance principally which renders factious combinations less to be dreaded in the former than in the latter. The smaller the society, the fewer probably will be the distinct parties and interests composing it; the fewer the distinct parties and interests, the more frequently will a majority be found of the same party; and the smaller the number of individuals composing a majority, and the smaller the compass within which they are placed, the more easily will they concert and execute their plans of oppression. Extend the sphere and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength and to act in unison with each other.

MPP6-529 A LARGE NATIONAL GOVERNMENT IS LESS PRONE TO DEMAGOGUES

James Madison, fourth President of the United States, "Number Ten," *THE FEDERALIST PAPERS*, 1788, (Penguin Books, 1987), p.128.

The influence of factious leaders may kindle a flame within their particular States but will be unable to spread a general conflagration through the other States. A religious sect may degenerate into a political faction in a part of the Confederacy; but the variety of sects dispersed over the entire face of it must secure the national councils against any danger from that source. A rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project, will be less apt to pervade the whole body of the Union than a particular member of it, in the same proportion as such a malady is more likely to taint a particular county or district than an entire State. In the extent and proper structure of the Union, therefore, we behold a republican remedy for the diseases most incident to republican government. And according to the degree of pleasure and pride we feel in being republicans ought to be our zeal in cherishing the spirit and supporting the character of federalists.

MPP6-530 LARGER STATES ARE LESS LIKELY TO BE CAPTURED BY FACTIONS

James Madison, fourth President of the United States, "Number Fifty-one," *THE FEDERALIST PAPERS*, 1788, p.322.

In the extended republic of the United States, and among the great variety of interests, parties, and sects which it embraces, a coalition of a majority of the whole society could seldom take place on any other principles than those of justice and the general good; whilst there being thus less danger to a minor from the will of a major party, there must be less pretext, also, to provide for the security of the former, by introducing into the government a will not dependent on the latter, or, in other words, a will independent of the society itself. It is no less certain than it is important, notwithstanding the contrary opinions which have been entertained, that the larger the society, provided it lie within a practicable sphere, the more duly capable it will be of self-government. And happily for the republican cause, the practicable sphere may be carried to a very great extent by a judicious modification and mixture of the federal principle.

MPP6-531 THE FEDERALISTS VIEWED NATIONAL GOVERNMENT AS A CHECK AGAINST POPULAR INSURRECTION

Richard Hofstadter, Professor of History, Columbia, *THE AMERICAN POLITICAL TRADITION*, 1948, p.9.

In practical form, therefore, the quest of the Fathers reduced primarily to a search for constitutional devices that would force various interests to check and control one another. Among those who favored the federal Constitution three such devices were distinguished.

The first of these was the advantage of a federated government in maintaining order against popular uprisings or majority rule. In a single state a faction might arise and take complete control by force; but if the states were bound in a federation, the central government could step in and prevent it. Hamilton quoted Montesquieu: "Should a popular insurrection happen in one of the confederate states, the others are able to quell it." Further, as Madison argued in the Federalist Number 10, a majority would be the most dangerous of all factions that might arise, for the majority would be the most capable of gaining complete ascendancy. If the political society were very extensive, however, and embraced a large number and variety of local interests, the citizens who shared a common majority interest "must rendered by their number and local situation, unable to concert and carry into effect their schemes of oppression." The chief propertied interests would then be safer from "a rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project."

MPP6-532 MADISON BELIEVED NATIONAL GOVERNMENT HELPS CHECK FACTION

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.126.

Since faction was inevitable in a free society, the resultant problem was how to prevent it from perverting public power to private advantage. Madison believed that faction was more likely to injure a small state than "a large one, more likely to damage a pure democracy than a large republic such as was established under the Constitution. In a republic in which the people acted through representatives rather than directly, there was opportunity for refining the various views on political questions. There was an opportunity, in other words, for the representatives to distill the sentiments of various factions rather than succumb directly to any one group or special interest. Furthermore, the size of the republic helped check the abuses of local factions, as minor groups would be unable to organize on a national basis and, while they might succeed in controlling a state, they would have difficulty in controlling the national government. In a large republic the number of factions would be greater than in a small one, and this very diversity of interest groups would make it difficult to achieve effective blocs of power. So spread out over the entire area of the United States, any one faction or small group of factions would find its political power diminished.

MPP6-533 STRONG GOVERNMENT IS NEEDED TO PROTECT LIBERTY

Alexander Hamilton, first Secretary of the Treasury, "Number One," *THE FEDERALIST PAPERS*, 1788, (Penguin Books, 1987), p.89.

On the other hand, it will be equally forgotten that the vigor of government is essential to the security of liberty; that, in the contemplation of a sound and well-informed judgment, their interests can never be separated; and that a dangerous ambition more often lurks behind the specious mask of zeal for the rights of the people than under the forbidding appearance of zeal for the firmness and efficiency of government. History will teach us that the former has been found a much more certain road to the introduction of despotism than the latter, and that of those men who have overturned the liberties of republics, the greatest number have begun their career by paying an obsequious court to the people, commencing demagogues and ending tyrants.

MPP6-534 STRONG CENTRAL GOVERNMENT IS NEEDED TO CHECK CONFLICT

Alexander Hamilton, first Secretary of the Treasury, "Number Six," *THE FEDERALIST PAPERS*, 1788, (Penguin Books, 1987), p.104.

A man must be far gone in Utopian speculations who can seriously doubt that if these States should either be wholly disunited, or only united in partial confederacies, the subdivisions into which they might be thrown would have frequent and violent contests with each other. To presume a want of motives for such contests as an argument against their existence would be to forget that men are ambitious, vindictive, and rapacious. To look for a continuation of harmony between a number of independent, unconnected sovereignties situated in the same neighborhood would be to disregard the uniform course of human events, and to set at defiance the accumulated experience of ages.

MPP6-535 STRONG, STABLE GOVERNMENT IS ESSENTIAL FOR PUBLIC ORDER

James Madison, fourth President of the United States, "Number Thirty-seven," *THE FEDERALIST PAPERS*, 1788, (Penguin Books, 1987), p.243.

Energy in government is essential to that security against external and internal danger and to that prompt and salutary execution of the laws which enter into the very definition of good government. Stability in government is essential to national character and to the advantages annexed to it, as well as to that repose and confidence in the minds of the people, which are among the chief blessings of civil society.

MPP6-536 PEACE AND LIBERTY REQUIRE STRONG GOVERNMENT

Alexander Hamilton, first Secretary of the Treasury, "Number Nine," THE FEDERALIST PAPERS, 1788, (Penguin Books, 1987), p.118.

A firm Union will be of the utmost moment to the peace and liberty of the States as a barrier against domestic faction and insurrection. It is impossible to read the history of the petty republics of Greece and Italy without feeling sensations of horror and disgust at the distractions with which they were continually agitated, and at the rapid succession of revolutions by which they were kept in a state of perpetual vibration between the extremes of tyranny and anarchy. If they exhibit occasional calms, these only serve as short-lived contrasts to the furious storms that are to succeed. If now and then intervals of felicity open themselves to view, we behold them with a mixture of regret, arising from the reflection that the pleasing scenes before us are soon to be overwhelmed by the tempestuous waves of sedition and party rage. If momentary rays of glory break forth from the gloom, while they dazzle us with a transient and fleeting brilliancy, they at the same time admonish us to lament that the vices of government should pervert the direction and tarnish the luster of those bright talents and exalted endowments for which the favored soils that produced them have been so justly celebrated.

MPP6-537 THE FEDERALIST DEFENDED STRONG LIMITS ON NATIONAL POWER

Edward Mead Earle, Institute for Advanced Study, Princeton, Introduction to THE FEDERALIST, Modern Library College Edition, 1937, p.xiii-xiv.

Lee's charges presented the authors of The Federalist with a delicate problem. They wished to retain the sympathy of nationalists and not to alienate the support of federalists. In a masterly paper, No. 39 of The Federalist, Madison faced the difficulty by saying that the Constitution provided a government which was national in important respects but federalist in others. And in a later number, No. 45, he clearly enunciated the principle that the powers of the Federal Government are few, limited and defined, while those of the States are many, residual, and indefinite. In this connection he said: "The powers reserved to the several States will extend to all the objects which, in the ordinary courses of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State."

MPP6-538 USING GOVERNMENT TO SOLVE SOCIAL PROBLEMS VIOLATES THE VIEWS OF THE FEDERALISTS

Charles Murray, fellow, American Enterprise Institute, IN PURSUIT OF HAPPINESS AND GOOD GOVERNMENT, 1994, p.140.

If the Founders were right about public man, then the practical options for seeking solutions to social problems through a centralized government are highly constrained for two reasons. First, such solutions will be impossible to sustain over time without also sacrificing democracy. If Publius was right, republics collapse when a faction is able to use the state to impose its vision of the good on the rest of society. And a relentless use of the state in just that fashion -- to let a majority faction decide what is right for everyone and impose that vision on everyone -- is the very essence of legislation that requires either school prayer on behalf of religious values or school busing on behalf of social justice.

MPP6-539 THE VIEWS OF THE FOUNDERS SUPPORT LIMITED GOVERNMENT

Charles Murray, fellow, American Enterprise Institute, IN PURSUIT OF HAPPINESS AND GOOD GOVERNMENT, 1994, p.140.

Suppose, however, that the Founders were right. If one accepts their optimistic view of private man, then centralized governmental solutions are not attractive. What allows man to fulfill his own nature in the Founders' vision is the process of individual response to challenge, risk, and reward. Each of those words -- "individual," "challenge," "risk," "reward" -- grates against the rationale for centralized solutions. Centralized solutions from the left urge that the collective society has a moral claim on the individual; they seek to dampen risks and increase predictability, and use as primary measures of success the achievement of security and equality. Centralized solutions from the right urge that the state has the right to impose beliefs on individuals; they seek to restrain by law individual variations in social behavior, and use as primary measures of success the degree of conformity to the righteous way. If man has the autonomy and equality that the Founders saw in him, these goals are not "bad" but wrongheaded. They do not liberate humans to fulfill their potential. They do not nourish the human soul.

MPP6-540 HUMAN NATURE REQUIRES THAT THE POWER OF GOVERNMENT BE LIMITED

James Madison, fourth President of the United States, "Number Fifty-one," THE FEDERALIST PAPERS, 1788, p.319-20.

But the great security against a gradual concentration of the several powers in the same department consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others. The provision for defense must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature that such devices should be necessary to control the abuses of government. But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.

MPP6-541 MADISON FAVORED LIMITED GOVERNMENT

Isaac Kramnick, Professor of Government, Cornell, Introduction to THE FEDERALIST PAPERS, Penguin Books edition, 1987, p.74.

What about Madison's governing elite of "enlightened views and virtuous sentiments," "whose wisdom may best discern the true interest of their country"? Madison's "true interest" was not the "national interest" of Hamilton's realism. Nor was it some ideal transcending purpose or goal to which wise leadership would lead the state and those still in the shadows. Madison's enlightened leaders would demonstrate their wisdom and virtue more by what they did not do than by what they did. Being men of cool and deliberate judgment, they would not pass unjust laws that interfered with private rights. They would respect liberty, justice and property and run a limited government that did little else than preside over and adjudicate conflicts in a basically self-regulating social order. Did not Madison criticize in Federalist No. 62 the "excess of lawmaking" and that "laws be so voluminous" as the twin "diseases to which our governments are most liable"?

MPP6-542 FOR MADISON, HAPPINESS IS THE CHIEF PURPOSE OF GOVERNMENT

Charles Murray, fellow, American Enterprise Institute, IN PURSUIT OF HAPPINESS AND GOOD GOVERNMENT, 1994, p.5-6.

"Happiness" was not Thomas Jefferson's idiosyncratic choice of words, nor was "pursuit of happiness" a rhetorical flourish to round out the clause. For the Founders, "happiness" was the obvious word to use because it was obvious to them that the pursuit of happiness is at the center of man's existence, and that to permit man to pursue happiness is the central justification of government -- the "object of government," as James Madison wrote in the The Federalist No. 62. James Wilson, who was later to become one of the chief architects of the Constitution, was voicing the general understanding of his contemporaries when he wrote in 1769 that the only reason men consent to have government is ". . . with a view to ensure and to increase the happiness of the governed, above what they could enjoy in an independent and unconnected state of nature," and then went on to assert that "the happiness of the society is the first law of every government." John Adams calmly asserted that "Upon this point all speculative politicians will agree, that the happiness of society is the end of Government, as all divines and moral philosophers will agree that the happiness of the individual is the end of man." Washington took happiness for his theme repeatedly, returning to it for the last time in his Farewell Address. The concept of happiness and the word itself appear again and again in Revolutionary sermons, pamphlets, and tracts.

MPP6-543 THE CONSTITUTION IS GROUNDED IN A HOBBSIAN THEORY OF HUMAN NATURE

Richard Hofstadter, Professor of History, Columbia, THE AMERICAN POLITICAL TRADITION, 1948, p.3.

Long ago Horace White observed that the Constitution of the United States "is based upon the philosophy of Hobbes and the religion of Calvin. It assumes that the natural state of mankind is a state of war, and that the carnal mind is at enmity with God." Of course the Constitution was founded more upon experience than any such abstract theory; but it was also an event in the intellectual history of Western civilization. The men who drew up the Constitution in Philadelphia during the summer of 1787 had a vivid Calvinistic sense of human evil and damnation and believed with Hobbes that men are selfish and contentious. They were men of affairs, merchants, lawyers, planter-businessmen, speculators, investors. Having seen human nature on display in the market place, the courtroom, the legislative chamber, and in every secret path and alleyway where wealth and power are courted, they felt they knew it in all its frailty. To them a human being was an atom of self-interest. They did not believe in man, but they did believe in the power of a good political constitution to control him.

MPP6-544 THE FOUNDERS REJECTED HOBBSIAN POLITICAL CONCLUSIONS

Richard Hofstadter, Professor of History, Columbia, *THE AMERICAN POLITICAL TRADITION*, 1948, p.5-6.

And yet there was another side to the picture. The Fathers were intellectual heirs of seventeenth-century English republicanism with its opposition to arbitrary rule and faith in popular sovereignty. If they feared the advance of democracy, they also had misgivings about turning to the extreme right. Having recently experienced a bitter revolutionary struggle with an external power beyond their control, they were in no mood to follow Hobbes to his conclusion that any kind of government must be accepted in order to avert the anarchy and terror of a state of nature. They were uneasily aware that both military dictatorship and a return to monarchy were being seriously discussed in some quarters -- the former chiefly among unpaid and discontented army officers, the latter in rich and fashionable Northern circles. John Jay, familiar with sentiment among New York's mercantile aristocracy, wrote to Washington, June 27, 1786, that he feared that "the better kind of people (by which I mean the people who are orderly and industrious, who are content with their situations, and not uneasy in their circumstances) will be led, by the insecurity of property, the loss of confidence in their rulers, and the want of public faith and rectitude, to consider the charms of liberty as imaginary and delusive." Such men, he thought, might be prepared for "almost any change that may promise them quiet and security." Washington, who had already repudiated a suggestion that he become a military dictator, agreed, remarking that "we are apt to run from one extreme to the other."

MPP6-545 THE JUDICIARY IS KEY TO PROTECTING RIGHTS

Alexander Hamilton, first Secretary of the Treasury, "Number Seventy-eight," *THE FEDERALIST PAPERS*, 1788, (Penguin Books, 1987), p.441

But it is not with a view to infectious of the Constitution only that the independence of the judges may be an essential safeguard against the effects of occasional ill humors in the society. These sometimes extend no farther than to the injury of the private rights of particular classes of citizens, by unjust and partial laws. Here also the firmness of the judicial magistracy is of vast importance in mitigating the severity and confining the operation of such laws. It not only serves to moderate the immediate mischiefs of those which may have been passed but it operates as a check upon the legislative body in passing them; who, perceiving that obstacles to the success of an iniquitous intention are to be expected from the scruples of the courts are in a manner compelled, by the very motives of the injustice they meditate, to qualify their attempts.

MPP6-546 CHIEF JUSTICE MARSHALL ECHOED THE FEDERALIST IN DEFENDING JUDICIAL REVIEW

Edward Mead Earle, Institute for Advanced Study, Princeton, Introduction to *THE FEDERALIST*, Modern Library College Edition, 1937, p.xix-xx.

Everything considered, the independence of the judiciary "is the best expedient which can be devised in any government to secure a steady, upright, and impartial administration of the laws." On the contrary, however, there is nothing in the theory of judicial review which would justify the courts in exercising their WILL instead of their JUDGEMENT or in substituting "their own pleasure to the constitutional intentions of the legislature." The substance of the above was repeated with equal vigor and eloquence by Chief Justice Marshall in the historic decision of *Marbury v. Madison* (1803).

MPP6-547 HAMILTON SUPPORTED JUDICIAL REVIEW

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.123.

In describing the judicial branch of the national government. Hamilton made quite clear that this branch was expected to exercise the powers of judicial review. Indeed, his statements on this subject directly anticipated the reasoning of John Marshall in the famous American constitutional law case of *Marbury vs. Madison*. Believing that the judicial branch, possessed of neither "the sword nor the purse," was the weakest of the three branches of government, he argued that "the general liberty of the people can never be endangered from that quarter. . . . judicial review, he wrote, did not imply a superiority of power in the judiciary to the derogation of the legislature, but rather the superiority of the people who authorized the Constitution.

MPP6-548 HAMILTON IS AMONG THE MOST EFFECTIVE ADVOCATES OF JUDICIAL REVIEW

Edward Mead Earle, Institute for Advanced Study, Princeton, Introduction to *THE FEDERALIST*, Modern Library College Edition, 1937, p.xx.

Of course, there also is something to be said in favor of curtailing this power of the judges, and there has been no hesitancy in saying it on the part of Jefferson, Jackson, Lincoln, Theodore Roosevelt, Franklin D. Roosevelt, and others; indeed, the minority of the Supreme Court have themselves urged greater restraint upon their colleagues. But for better or for worse judicial review has become an established and recognized part of the American constitutional system. Indeed, whereas the earlier history of the Supreme Court reveals a tendency to use the power of invalidation only sparingly, it has been increasingly invoked with the passage of time since 1860. It has had few more effective advocates than Hamilton.

MPP6-549 THE FEDERALIST DEFENDS A STRONG FORM OF JUDICIAL REVIEW

Edward Mead Earle, Institute for Advanced Study, Princeton, Introduction to *THE FEDERALIST*, Modern Library College Edition, 1937, p.xviii-xix.

Judicial review was looked upon by Hamilton as the last stronghold against democratic innovation. There is not, as Hamilton readily admitted, "a syllable in the plan under consideration [the Constitution] which directly empowers the national courts to construe the laws according to the spirit of the Constitution." Consequently, no phase of American government has been the cause of so much bitter controversy as the powers of the Federal judiciary, especially in respect to invalidation of legislative action. By some it has been looked upon as usurpation on the part of the courts, although the evidence seems to be that it grew out of colonial precedents and was intended by many of the Fathers to be an indispensable part of the new system of government for the United States. If this view be correct, it has nowhere been better expounded than in No. 78 of *The Federalist*, which should be read with care by every student of American politics. Hamilton's view, which he expressed with great vigor and eloquence, is briefly as follows: Unless the courts be given the power to review acts of the legislature, the whole idea of a written constitution is meaningless; "to deny this would be to affirm that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people are above the people themselves; that men acting by virtue of powers may do not only what their powers do not authorize, but what they forbid."

MPP6-550 JUDICIAL INDEPENDENCE IS KEY TO SAFEGUARD THE CONSTITUTION

Alexander Hamilton, first Secretary of the Treasury, "Number Seventy-eight," *THE FEDERALIST PAPERS*, 1788, (Penguin Books, 1987), p.440.

If, then, the courts of justice are to be considered as the bulwarks of a limited Constitution against legislative encroachments, this consideration will afford a strong argument for the permanent tenure of judicial offices, since nothing will contribute so much as this to that independent spirit in the judges which must be essential to the faithful performance of so arduous a duty.

This independence of the judges is equally requisite to guard the Constitution and the rights of individuals from the effects of those ill humors which the arts of designing men, or the influence of particular conjunctures, sometimes disseminate among the people themselves, and which, though they speedily give place to better information, and more deliberate reflection, have a tendency, in the meantime, to occasion dangerous innovations in the government, and serious oppressions of the minor party in the community.

MPP6-551 INDEPENDENT JUDICIARY IS KEY TO PROTECTING RIGHTS

Alexander Hamilton, first Secretary of the Treasury, "Number Seventy-eight," *THE FEDERALIST PAPERS*, 1788, (Penguin Books, 1987), p.438.

The complete independence of the courts of justice is peculiarly essential in a limited Constitution. By a limited Constitution, I understand one which contains certain specified exceptions to the legislative authority; such, for instance, as that it shall pass no bills of attainder, no ex post facto laws, and the like. Limitations of this kind can be preserved in practice no other way than through the medium of courts of justice, whose duty it must be to declare all acts contrary to the manifest tenor of the Constitution void. Without this, all the reservations of particular rights or privileges would amount to nothing.

MPP6-552 INDEPENDENCE OF THE JUDICIARY IS KEY TO ITS EFFECTIVE FUNCTIONING

Alexander Hamilton, first Secretary of the Treasury, "Number Seventy-eight," *THE FEDERALIST PAPERS*, 1788, (Penguin Books, 1987), p. 437-8.

For I agree that "there is no liberty if the power of judging be not separated from the legislative and executive powers." And it proves, in the last place, that as liberty can have nothing to fear from the judiciary alone, but would have everything to fear from its union with either of the other departments: that as all the effects of such a union must ensue from a dependence of the former on the latter, notwithstanding a nominal and apparent separation; that as, from the natural feebleness of the judiciary, it is in continual jeopardy of being overpowered, awed, or influenced by its co-ordinate branches: and that as nothing can contribute so much to its firmness and independence as permanency in office, this quality may therefore be justly regarded as an indispensable ingredient in its constitution, and, in a great measure, as the citadel of the public justice and the public security.

MPP6-553 JUDGES SHOULD RETAIN THEIR OFFICES DURING GOOD BEHAVIOR

Alexander Hamilton, first Secretary of the Treasury, "Number Seventy-eight," *THE FEDERALIST PAPERS*, 1788, (Penguin Books, 1987), p. 437.

According to the plan of the convention, all judges who may be appointed by the United States are to hold their offices during good behavior; which is conformable to the most approved of the State constitutions, and among the rest, to that of the State. Its propriety having been drawn into question by the adversaries of that plan is no light symptom of the rage for objection which disorders their imaginations and judgments. The standard of good behavior for the continuance in office of the judicial magistracy is certainly one of the most valuable of the modern improvements in the practice of government. In a monarchy it is an excellent barrier to the despotism of the prince; in a republic it is a no less excellent barrier to the encroachments and oppressions of the representative body. And it is the best expedient which can be devised in any government to secure a steady, upright, and impartial administration of the laws.

MPP6-554 RELIANCE ON PRECEDENT IS NECESSARY TO AVOID ARBITRARY COURT DECISIONS

Alexander Hamilton, first Secretary of the Treasury, "Number Seventy-eight," *THE FEDERALIST PAPERS*, 1788, (Penguin Books, 1987), p.441-2.

There is yet a further and weighty reason for the permanency of the judicial offices which is deducible from the nature of the qualifications they require. It has been frequently remarked with great propriety that a voluminous code of laws is one of the inconveniences necessarily connected with the advantages of a free government. To avoid an arbitrary discretion in the courts, it is indispensable that they should be bound down by strict rules and precedents which serve to define and point out their duty in every particular case that comes before them; and it will readily be conceived from the variety of controversies which grow out of the folly and wickedness of mankind that the records of those precedents must unavoidably swell to a very considerable bulk and must demand long and laborious study to acquire a competent knowledge of them. Hence it is that there can be but few men in the society who will have sufficient skill in the laws to qualify them for the stations of judges.

MPP6-555 THE JUDICIARY IS THE WEAKEST BRANCH

Alexander Hamilton, first Secretary of the Treasury, "Number Seventy-eight," *THE FEDERALIST PAPERS*, 1788, (Penguin Books, 1987), p.437.

This simple view of the matter suggests several important consequences. It proves incontestably that the judiciary is beyond comparison the weakest of the three departments of power; that it can never attack with success either of the other two; and that all possible care is requisite to enable it to defend itself against their attacks. It equally proves that though individual oppression may now and then proceed from the courts of justice, the general liberty of the people can never be endangered from that quarter; I mean so long as the judiciary remains truly distinct from both the legislature and the executive.

MPP6-556 THE JUDICIARY IS THE LEAST DANGEROUS BRANCH OF GOVERNMENT

Alexander Hamilton, first Secretary of the Treasury, "Number Seventy-eight," *THE FEDERALIST PAPERS*, 1788, (Penguin Books, 1987), p.437.

Whoever attentively considers the different departments of power must perceive that, in a government in which they are separated from each other, the judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the Constitution; because it will be least in a capacity to annoy or injure them. The executive not only dispenses the honors but holds the sword of the community. The legislature not only commands the purse but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over either the sword or the purse, no direction either of the strength or of the wealth of the society, and can take no active resolution whatever. It may truly be said to have neither FORCE nor WILL but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments.

MPP6-557 THE POTENTIAL FOR ACTIVISM ISN'T A COMPELLING ARGUMENT AGAINST JUDICIAL REVIEW

Alexander Hamilton, first Secretary of the Treasury, "Number Seventy-eight," *THE FEDERALIST PAPERS*, 1788, (Penguin Books, 1987), p.440.

It can be of no weight to say that the courts, on the pretense of a repugnancy, may substitute their own pleasure to the constitutional intentions of the legislature. This might as well happen in the case of two contradictory statutes: or it might as well happen in every adjudication upon any single statute. The courts must declare the sense of the law, and if they should be disposed to exercise WILL instead of JUDGMENT, the consequence would equally be the substitution of their pleasure for that of the legislative body. The observation, if it proved anything, would prove that there ought to be no judges distinct from that body.

MPP6-558 JUDICIAL REVIEW ISN'T ANTI-MAJORITARIAN

Alexander Hamilton, first Secretary of the Treasury, "Number Seventy-eight," *THE FEDERALIST PAPERS*, 1788, (Penguin Books, 1987), p.439.

Nor does this conclusion by any means suppose a superiority of the judicial to the legislative power. It only supposes that the power of the people is superior to both, and that where the will of the legislature, declared in its statutes, stands in opposition to that of the people, declared in the Constitution, the judges ought to be governed by the latter rather than the former. They ought to regulate their decisions by the fundamental laws rather than by those which are not fundamental.

MPP6-559 JUSTICE IS THE ULTIMATE END OF GOVERNMENT

James Madison, fourth President of the United States, "Number Fifty-one," *THE FEDERALIST PAPERS*, 1788, p.322.

Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit.

MPP6-560 FOR MADISON, SOCIAL PLURALISM IS KEY TO JUSTICE

Isaac Kramnick, Professor of Government, Cornell, Introduction to *THE FEDERALIST PAPERS*, Penguin Books edition, 1987, p.54-5.

The basis for Madison's famous adulation of heterogeneous factions and interests in an enlarged America, which he introduced into so many of his contributions to the *Federalist*, was a famous speech he gave to the Constitutional Convention on June 6. The only way the rights of minorities could be protected, Madison told the delegates, was to enlarge the sphere, and thereby, divide the community into so great a number of interests and parties, that in the first place a majority will not be likely at the same moments to have a common interest separate from that of the whole or of the minority; and in the second place, that in case they should have such an interest, they may not be apt to unite in the pursuit of it. It was incumbent on us then to try this remedy, and with that view to frame a republican system on such a scale and in such a form as will control all the evils which have been experienced.

In *Federalist No. 10* Madison described the multiplication of regional, religious and economic interests, factions and parties as the guarantor of American freedom and justice. He put his case somewhat differently in a letter to Jefferson: "Divide et impera, the reprobated axiom of tyranny, is, under certain conditions, the only policy by which a republic can be administered on just principles." Pride of place among "these clashing interests," so essential for a just order, went to the economic interests inevitable in a complex market society.

MPP6-561 INTERPRETATION OF LAW IS A PROPER ROLE OF COURTS

Alexander Hamilton, first Secretary of the Treasury, "Number Seventy-eight," *THE FEDERALIST PAPERS*, 1788, (Penguin Books, 1987), p.438-9.

If it be said that the legislative body are themselves the constitutional judges of their own powers and that the construction they put upon them is conclusive upon the other departments it may be answered that this cannot be the natural presumption where it is not to be collected from any particular provisions in the Constitution. It is not otherwise to be supposed that the Constitution could intend to enable the representatives of the people to substitute their will to that of their constituents. It is far more rational to suppose that the courts were designed to be an intermediate body between the people and the legislature in order, among other things, to keep the latter within the limits assigned to their authority. The interpretation of the laws is the proper and peculiar province of the courts.

MPP6-562 ALL LAWS ARE AMBIGUOUS UNTIL INTERPRETED

James Madison, fourth President of the United States, "Number Thirty-seven," *THE FEDERALIST PAPERS*, 1788, (Penguin Books, 1987), p.245.

All new laws, though penned with the greatest technical skill and passed on the fullest and most mature deliberation, are considered as more or less obscure and equivocal, until their meaning be liquidated and ascertained by a series of particular discussions and adjudications.

MPP6-563 LANGUAGE IS INHERENTLY AMBIGUOUS

James Madison, fourth President of the United States, "Number Thirty-seven," *THE FEDERALIST PAPERS*, 1788, (Penguin Books, 1987), p.245.

Besides the obscurity arising from the complexity of objects and the imperfection of the human faculties, the medium through which the conceptions of men are conveyed to each other adds a fresh embarrassment. The use of words is to express ideas. Perspicuity, therefore, requires not only that the ideas should be distinctly formed, but that they should be expressed by words distinctly and exclusively appropriate to them. But no language is so copious as to supply words or phrases for every complex idea, or so correct as not to include many equivocally denoting different ideas. Hence it must happen that however accurately objects may be discriminated in themselves, and however accurately the discrimination may be considered, the definition of them may be rendered inaccurate by the inaccuracy of the terms in which it is delivered. And this unavoidable inaccuracy must be greater or less, according to, the complexity and novelty of the objects defined. When the Almighty himself condescends to address mankind in their own language, his meaning, luminous as it must be, is rendered dim and doubtful by the cloudy medium through which it is communicated.

MPP6-564 STRONG EXECUTIVE AND JUDICIARY ARE NEEDED TO CHECK THE LEGISLATURE

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.122.

The *Federalist* papers indicated a strong belief that in a republican government the legislature would of necessity be the predominant branch. It was essential therefore to the efficacy of the separation-of-powers system that the executive and judicial branches be given adequate powers to check the legislature, and, furthermore, that they be constituted in such a manner that they would be beyond the immediate reach of the Congress. Thus the Constitution had provided for election of the President by the electoral college rather than by Congress and for the appointment of judges for terms of good behavior.

MPP6-565 MADISON MAINLY FEARED LEGISLATIVE TYRANNY

Isaac Kramnick, Professor of Government, Cornell, Introduction to THE FEDERALIST PAPERS, Penguin Books edition, 1987, p.49.

Madison was well acquainted with Jefferson's maxim that "the legislative, executive, and judiciary offices shall be kept forever separate." His own formulation could be found in Federalist No. 47: "The accumulation of all powers, legislative, executive, and judiciary, in the same hands....may justly be pronounced the very definition of tyranny." In the Constitution, however, which in this area more than any other bears Madison's stamp, it is clear that behind the invocation of the separation of powers was often the fear of unchecked legislative supremacy. Even Jefferson's earlier general maxim was followed by a specific claim that in the Virginia constitution all three powers "result to the legislative body." This is even starker with Madison. Behind the praise of an abstract separation of powers he championed a diminution of legislative power in the new government by parceling out legislative power to other branches of government. In other words, the separation of powers was violated primarily when legislatures absorbed executive and judicial power, as they clearly had done in the recent American past.

MPP6-566 LIBERTY IS ESSENTIAL TO POLITICAL LIFE

James Madison, fourth President of the United States, "Number Ten," THE FEDERALIST PAPERS, 1788, (Penguin Books, 1987), p.123.

There are two methods of curing the mischiefs of faction: the one, by removing its causes: the other, by controlling its effects. There are again two methods of removing the causes of faction: the one, by destroying the liberty which is essential to its existence; the other, by giving to every citizen the same opinions, the same passions, and the same interests. It could never be more truly said than of the first remedy that it was worse than the disease. Liberty is to faction what air is to fire, an ailment without which it instantly expires. But it could not be a less folly to abolish liberty, which is essential to political life, because it nourishes faction than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency.

MPP6-567 THE FOUNDERS UPHELD LIBERTY OVER DEMOCRACY

Richard Hofstadter, Professor of History, Columbia, THE AMERICAN POLITICAL TRADITION, 1948, p.10.

It is ironical that the Constitution, which Americans venerate so deeply, is based upon a political theory that at one crucial point stands in direct antithesis to the main stream of American democratic faith. Modern American folklore assumes that democracy and liberty are all but identical, and when democratic writers take the trouble to make the distinction, they usually assume that democracy is necessary to liberty. But the Founding Fathers thought that the liberty with which they were most concerned was menaced by democracy. In their minds liberty was linked not to democracy but to property.

MPP6-568 THE FEDERALISTS BELIEVED LIBERTY HAD BEEN EXAGGERATED BY THE ARTICLES OF CONFEDERATION

Isaac Kramnick, Professor of Government, Cornell, Introduction to THE FEDERALIST PAPERS, Penguin Books edition, 1987, p.16.

In Federalist No. 26, for example, Hamilton wrote of the too ardent "zeal for liberty" in post independence America and of the need for "the greater energy of government." In Federalist No. 1 he wrote of "an enlightened zeal for the energy and efficiency of government." His collaborator Madison described in Federalist No. 37 the need for "stability" and "energy" in government as well as attention "due to liberty." Madison also wrote in Federalist No. 63 of liberty endangered "by the abuses of liberty" as well as by "the abuses of power."

MPP6-569 THE FOUNDERS UPHELD NEGATIVE LIBERTIES

Richard Hofstadter, Professor of History, Columbia, THE AMERICAN POLITICAL TRADITION, 1948, p.11.

The liberties that the constitutionalists hoped to gain were chiefly negative. They wanted freedom from fiscal uncertainty and irregularities in the currency, from trade wars among the states, from economic discrimination by more powerful foreign governments, from attacks on the creditor class or on property, from popular insurrection. They aimed to create a government that would act as an honest broker among a variety of propertied interests, giving them all protection from their common enemies and preventing any of them from becoming too powerful.

MPP6-570 THE FOUNDERS REJECTED THE MOST IMPORTANT LIBERTIES

Richard Hofstadter, Professor of History, Columbia, THE AMERICAN POLITICAL TRADITION, 1948, p.11.

Certainly the men who met at Philadelphia were not interested in extending liberty to those classes in America, the Negro slaves and the indentured servants, who were most need of it, for slavery was recognized in the organic structure of the Constitution and indentured servitude was no concern of the Convention. Nor was the regard of the delegates for civil liberties any too tender. It was the opponents of the Constitution who were most active in demanding such vital liberties as freedom of religion, freedom of speech and press, jury trial, due process, and protection from "unreasonable searches and seizures." These guarantees had to be incorporated in the first ten amendments because the Convention neglected to put them in the original document. Turning to economic issues, it was not freedom of trade in the modern sense that the Fathers were striving for. Although they did not believe in impeding trade unnecessarily, they felt that failure to regulate it was one of the central weaknesses of the Articles of Confederation, and they stood closer to the mercantilists than to Adam Smith. Again, liberty to them did not mean free access to the nation's unappropriated wealth. At least fourteen of them were land speculators. They did not believe in the right of the squatter to occupy unused land, but rather in the right of the absentee owner or speculator to pre-empt it.

MPP6-571 THE FEDERALISTS SAW LOCALISM AS UNDERMINING COMMUNITY INTERESTS

Isaac Kramnick, Professor of Government, Cornell, Introduction to THE FEDERALIST PAPERS, Penguin Books edition, 1987, p.45.

Such arrangements -- elections by small districts and towns -- fueled what Madison called "the spirit of locality," which he saw destroying "the aggregate interests of the community" in the state legislatures. Those who were mere spokesmen for, or reflections of, their constituents had only narrow and parochial concerns, argued the Federalists.

MPP6-572 PUBLIC ORDER DOESN'T REQUIRE DESPOTISM

Alexander Hamilton, first Secretary of the Treasury, "Number Nine," THE FEDERALIST PAPERS, 1788, (Penguin Books, 1987), p.118.

From the disorders that disfigure the annals of those republics the advocates of despotism have drawn arguments, not only against the forms of republican government, but against the very principles of civil liberty. They have decried all free government as inconsistent with the order of society, and have indulged themselves in malicious exultation over its friends and partisans. Happily for mankind, stupendous fabrics reared on the basis of liberty, which have flourished for ages, have, in a few glorious instances, refuted their gloomy sophisms. And, I trust, America will be the broad and solid foundation of other edifices, not less magnificent, which will be equally permanent monuments of their errors.

MPP6-573 SOCIAL PLURALISM PROTECTS MINORITY RIGHTS

James Madison, fourth President of the United States, "Number Fifty-one," THE FEDERALIST PAPERS, 1788, p.321.

The second method will be exemplified in the federal republic of the United States. Whilst all authority in it will be derived from and dependent on the society, the society itself will be broken into so many parts, interests and classes of citizens, that the rights of individuals, or of the minority, will be in little danger from interested combinations of the majority. In a free government the security for civil rights must be the same as that for religious rights. It consists in the one case in the multiplicity of interests, and in the other in the multiplicity of sects. The degree of security in both cases will depend on the number of interests and sects; and this may be presumed to depend on the extent of country and number of people comprehended under the same government. This view of the subject must particularly recommend a proper federal system to an the sincere and considerate friends of republican government, since it shows that in exact proportion as the territory of the Union may be formed into more circumscribed Confederacies, or States, oppressive combinations of a majority will be facilitated; the best security, under the republican forms, for the rights of every class of citizen, will be diminished; and consequently the stability and independence of some member of the government, the only other security, must be proportionally increased.

MPP6-574 GOVERNMENT IS BEST CHECKED BY HARNESSING OPPOSED INTERESTS

James Madison, fourth President of the United States, "Number Fifty-one," THE FEDERALIST PAPERS, 1788, p.320.

This policy of supplying, by opposite and rival interests, the defect of better motives, might be traced through the whole system of human affairs, private as well as public. We see it particularly displayed in all the subordinate distributions of power, where the constant aim is to divide and arrange the several offices in such a manner as that each may be a check on the other -- that the private interest of every individual may be a sentinel over the public rights. These inventions of prudence cannot be less requisite in the distribution of the supreme powers of the State.

MPP6-575 THE DEVELOPMENT OF POLITICAL SCIENCE PERMITS IMPROVED GOVERNMENT

Alexander Hamilton, first Secretary of the Treasury, "Number Nine," THE FEDERALIST PAPERS, 1788, (Penguin Books, 1987), p.119.

The science of politics, however, like most other sciences, has received great improvement. The efficacy of various principles is now well understood, which were either not known at all, or imperfectly known to the ancients. The regular distribution of power into distinct departments; the introduction of legislative balances and checks; the institution of courts composed of judges holding their offices during good behavior; the representation of the people in the legislature by deputies of their own election: these are wholly new discoveries, or have made their principal progress towards perfection in modern times. They are means, and powerful means, by which the excellencies of republican government may be retained and its imperfections lessened or avoided.

MPP6-576 THE POWERS OF HUMAN INSIGHT INTO POLITICS ARE LIMITED

James Madison, fourth President of the United States, "Number Thirty-seven," THE FEDERALIST PAPERS, 1788, (Penguin Books, 1987), p.244.

When we pass from the works of nature, in which all the delineations are perfectly accurate and appear to be otherwise only from the imperfection of the eye which surveys them, to the institutions of man, in which the obscurity arises as well from the object itself as from the organ by which it is contemplated, we must perceive the necessity of moderating still further our expectations and hopes from the efforts of human sagacity. Experience has instructed us that no skill in the science of government has yet been able to discriminate and define, with sufficient certainty, its three great provinces -- the legislative, executive, and judiciary; or even the privileges and powers of the different legislative branches. Questions daily occur in the course of practice which prove the obscurity which reigns in these subjects, and which puzzle the greatest adepts in political science.

MPP6-577 HAMILTON SAW POWER AS USEFUL AS WELL AS DANGEROUS

Isaac Kramnick, Professor of Government, Cornell, Introduction to THE FEDERALIST PAPERS, Penguin Books edition, 1987, p.70.

However, Hamilton is interested less in the limited liberal state, than in the heroic state, and heroic state-builders like him cannot fear power, for power is the essence of the state. That power is so often abused does not rule out its creative and useful role. This was the message of Hamilton in early 1787:

We are told it is dangerous to trust power anywhere; that power is liable to abuse, with a variety of trite maxims of the same kind. General propositions of this nature are easily framed, the truth of which cannot be denied, but they rarely convey any precise idea. To these we might oppose other propositions equally true and equally indefinite. It might be said that too little power is as dangerous as too much, that it leads to anarchy, and from anarchy to despotism.... Power must be granted or civil society cannot exist; the possibility of abuse is no argument against the thing.

MPP6-578 LIKE LOCKE, MADISON SAW PROPERTY RIGHTS AS CENTRAL TO JUSTICE

Isaac Kramnick, Professor of Government, Cornell, Introduction to THE FEDERALIST PAPERS, Penguin Books edition, 1987, p.55.

Government was, for Madison, much like it was for Locke, a neutral arbiter over competing interests. Indeed, in Federalist No. 43 Madison described the legislative task as providing "umpires": and in a letter to Washington he described government's role as a "disinterested and dispassionate umpire in disputes." Sounding much like Locke in Chapter 5 ("On Property") of the Second Treatise, Madison, in No. 10, attributed the differential possession of property to the "diversity in the faculties of men," to their "different and unequal faculties of acquiring property." It was "the protection of these faculties" that constituted "the first object of government." As it was for Locke -- who wrote that "justice gives every man a title to the product of his honest industry" -- so, too, for Madison and the Federalists, justice effectively meant respecting private rights, especially property rights.

MPP6-579 THE FEDERALISTS SAW PROPERTY RIGHTS AS CENTRAL TO JUSTICE

Isaac Kramnick, Professor of Government, Cornell, Introduction to THE FEDERALIST PAPERS, Penguin Books edition, 1987, p.55-6.

The end of government itself, of civil society, was justice, Madison wrote in No. 51, and in No. 54 he refined this further by noting that "government is instituted no less for protection of the property than of the persons of individuals." It was the same for Hamilton, who wrote in Federalist No. 70 of "the protection of property" constituting "the ordinary course of justice." In No. 78 Hamilton also described the "private rights of particular classes of citizens" injured "by unjust and partial laws."

MPP6-580 THE FOUNDERS PRIORITIZED PROPERTY RIGHTS

Richard Hofstadter, Professor of History, Columbia, THE AMERICAN POLITICAL TRADITION, 1948, p.11-12.

The Convention was a fraternity of types of absentee ownership. All property should be permitted to have its proportionate voice in government. Individual property interests might have to be sacrificed at times, but only for the community of propertied interests. Freedom for property would result in liberty for men -- perhaps not for all men, but at least for all worthy men. Because men have different faculties and abilities, the Fathers believed, they acquire different amounts of property. To protect property is only to protect men in the exercise of their natural faculties. Among the many liberties, therefore, freedom to hold and dispose property is paramount. Democracy, unchecked rule by the masses, is sure to bring arbitrary redistribution of property, destroying the very essence of liberty.

MPP6-581 THE FEDERALIST DEFENDED PROPERTY RIGHTS

Edward Mead Earle, Institute for Advanced Study, Princeton, Introduction to THE FEDERALIST, Modern Library College Edition, 1937, p.xiv.

In the second place, the Constitution of the United States was as much concerned with property rights as with political liberties. One can hardly read the debates of the Philadelphia Convention without coming to this conclusion. This was inherent in the membership of the Convention, as well as in the spirit of the time. As Woodrow Wilson put it, the framers of the Constitution were "a strong and intelligent class possessed of unity and informed by a conscious solidarity of interests". And this was as it should have been, for the British political philosophers like John Locke, who so strongly influenced American thinking in the late eighteenth century, made no secret of their belief that the protection of property was one of the primary concerns, if not indeed the very first concern, of modern governments. Inasmuch as property interests are a legitimate subject of government, it is but natural that political parties, or "factions", in the phraseology of 1787, should be formed for the promotion and protection of those interests. Madison clearly enunciated the idea in No. 10 of The Federalist.

MPP6-582 THE FEDERALISTS STRESSED THE VALUES OF COMMERCE

Isaac Kramnick, Professor of Government, Cornell, Introduction to THE FEDERALIST PAPERS, Penguin Books edition, 1987, p.56.

The acceptance of modern liberal society in the Federalist camp goes beyond a legitimization of the politics of interest and a conviction that government's purpose was protecting the fruits of honest industry. There is also an unabashed appreciation of modern commercial society. Hamilton, for example, in Federalist No. 12, insisted that

The prosperity of commerce is now perceived and acknowledged by all enlightened statesmen to be the most useful as well as the most productive source of national wealth, and has accordingly become a primary object of their political cares. By multiplying the means of gratification, by promoting the introduction and circulation of the precious metals, those darling objects of human avarice and enterprise, it serves to vivify and invigorate all the channels of industry and to make them flow with greater activity and copiousness.

MPP6-583 SKEPTICAL REALISM IS A PROMINENT FEATURE OF THE FEDERALIST

Isaac Kramnick, Professor of Government, Cornell, Introduction to THE FEDERALIST PAPERS, Penguin Books edition, 1987, p.79.

Some have suggested that there was even a deeper level of compatibility at work in these three men; that, for example, they shared profoundly similar views on human nature. There is, indeed, a pervasive pessimism, skepticism or realism that continually surfaces in the contributions of all three authors. Men are constantly depicted as vindictive, ambitious and rapacious seekers after power. Visionaries and philosophers who seek perfect worlds are repeatedly objects of ridicule. Government, itself but a reflection of human nature, is necessary only because men are less than angels.

MPP6-584 THE FEDERALIST ISN'T OVERLY PESSIMISTIC

Isaac Kramnick, Professor of Government, Cornell, Introduction to THE FEDERALIST PAPERS, Penguin Books edition, 1987, p.79-80.

But this message, repeated in Nos. 4, 6, 15, 34, 41, 49, 51, 78 and 85, is not all there is on human nature in The Federalist. There is also a more hopeful side. In Federalist No. 55 Madison conceded the depravity of mankind but, so characteristically for him, saw it balanced by other parts of human nature that inspire more confidence. Even Hamilton, the most brutally realistic of the trio, admitted in No. 76 that one must "view human nature as it is, without either flattering its virtues, or exaggerating its vices."

MPP6-585 REPRESENTATIVE DEMOCRACY IMPROVES DECISION MAKING

James Madison, fourth President of the United States, "Number Ten," THE FEDERALIST PAPERS, 1788, (Penguin Books, 1987), p.126.

The two great points of difference between a democracy and a republic are: first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens and greater sphere of country over which the latter may be extended. The effect of the first difference is, on the one hand, to refine and enlarge the public views by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations.

MPP6-586 THE FEDERALISTS FAVORED REPRESENTATIVE GOVERNMENT

Isaac Kramnick, Professor of Government, Cornell, Introduction to THE FEDERALIST PAPERS, Penguin Books edition, 1987, p.41.

For Madison and the Federalists the essential aspect of republican government, government by representative officials as opposed to by the people themselves, which recommended it most persuasively was its filtering effect. The filter became the favorite Federalist metaphor in arguing for republican government. Shifting power to the center and creating a national legislature based on large and diverse representational units would, as Madison pointed out to the Constitutional Convention on May 31, 1787, "refine the popular appointments by successive filtrations."

MPP6-587 REPUBLICS, UNLIKE PURE DEMOCRACIES, ARE ABLE TO CONTROL FACTIONS

James Madison, fourth President of the United States, "Number Ten," THE FEDERALIST PAPERS, 1788, (Penguin Books, 1987), p.126.

A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect and promises the cure for which we are seeking. Let us examine the points in which it varies from pure democracy, and we shall comprehend both the nature of the cure and the efficacy which it must derive from the Union.

MPP6-588 MADISON'S DEFINITION OF A REPUBLIC

James Madison, fourth President of the United States, "Number Thirty-nine," *THE FEDERALIST PAPERS*, 1788, (Penguin Books, 1987), p.255.

If we resort for a criterion to the different principles on which different forms of government are established, we may define a republic to be, or at least may bestow that name on, a government which derives all its powers directly or indirectly from the great body of the people, and is administered by persons holding their offices during pleasure for a limited period, or during good behavior. It is essential to such a government that it be derived from the great body of the society, not from an inconsiderable proportion or a favored class of it; otherwise a handful of tyrannical nobles, exercising their oppressions by a delegation of their powers, might aspire to the rank of republicans and claim for their government the honorable title of republic. It is sufficient for such a government that the persons administering it be appointed, either directly or indirectly, by the people; and that they hold their appointments by either of the tenures just specified; otherwise every government in the United States, as well as every other popular government that has been or can be well organized or well executed, would be degraded from the republican character.

MPP6-589 ACCORDING TO THE FEDERALISTS, REPUBLICANISM PRODUCES BETTER GOVERNMENT

Richard Hofstadter, Professor of History, Columbia, *THE AMERICAN POLITICAL TRADITION*, 1948, p.9-10.
The second advantage of good constitutional government resided in the mechanism of representation itself. In a small direct democracy the unstable passions of the people would dominate lawmaking; but a representative government, as Madison said, would "refine and enlarge the public views by passing them through the medium of a chosen body of citizens." Representatives chosen by the people were wiser and more deliberate than the people themselves in mass assemblage. Hamilton frankly anticipated a kind of syndical paternalism in which the wealthy and dominant members of every trade or industry would represent the others in politics. Merchants, for example, were "the natural representatives" of their employees and of the mechanics and artisans they dealt with. Hamilton expected that Congress, "with too few exceptions to have any influence on the spirit of the government, will be composed of landholders, merchants, and men of the learned professions."

MPP6-590 REPUBLICAN GOVERNMENT BEST CHECKS ECONOMIC CONFLICT

Edward Mead Earle, Institute for Advanced Study, Princeton, Introduction to *THE FEDERALIST*, Modern Library College Edition, 1937, p.xv-xvi.

It was the studied conclusion of Madison and the other authors of *The Federalist* that the reconciliation of conflicting economic interests could be effected by a republican government founded upon the representative principle. Madison said, again in the famous No. 10, that the effect of such a government would be "to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country; and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation, it may well happen that the public voice, pronounced by the representatives of the people will be more consonant to the public good than if pronounced by the people themselves."

MPP6-591 MADISON PRIORITIZED INDIVIDUAL RIGHTS OVER COMMUNITY

Isaac Kramnick, Professor of Government, Cornell, Introduction to *THE FEDERALIST PAPERS*, Penguin Books edition, 1987, p.54.

Mention of Madison's unique vision of heterogeneous, diverse America raises a third major area of ideological difference between the Federalists and Anti-Federalists. The former can often be read as liberal modernists and the latter much more as nostalgic communitarians, seeking desperately to hold on to a virtuous moral order threatened by commerce and market society. The terms of the dispute are familiar and transcend the moment. It is the confrontation of Locke and Rousseau, of *Gesellschaft* and *Gemeinschaft*. The Federalist tendency was to depict America in amoral terms as an enlarged nation that transcended local community and moral conviction as the focus of politics. The Federalists seemed to glory in an individualistic and competitive America, preoccupied with private rights and personal autonomy. This reading of America is associated with Madison more than with anyone else, and with his writings in the *Federalist*.

MPP6-592 THE FEDERALISTS STRESSED INDIVIDUAL RIGHTS AS CENTRAL TO JUSTICE

Isaac Kramnick, Professor of Government, Cornell, Introduction to THE FEDERALIST PAPERS, Penguin Books edition, 1987, p.55.

Justice was for the Federalists less a matter of civic virtue, of public participation in politics, as emphasized by recent American historical scholarship, or of a neoplatonic ideal of a transcendent moral order, as argued by scholars like Walter Berns, than it was a reflection of the Lockean liberal world of personal rights, and most dramatically of property rights. It has already been noted how frequently the condemnation of state laws which interfered with private contracts or established paper money schemes was cast in the language of "unjust laws." This is equally evident in the pages of the Federalist. In his No. 10 Madison suggested that the fruits of unjust and wicked laws were "the alarm for private rights which are echoed from one end of the continent to the other." He equated in No. 44 the "love of justice" with hatred of paper money. Such "pestilent" laws required, in turn, sacrifices on "the altar of justice."

MPP6-593 SHORT TERM CONSIDERATIONS OFTEN OVERRIDE RIGHTS AND GENERAL GOOD

James Madison, fourth President of the United States, "Number Ten," THE FEDERALIST PAPERS, 1788, (Penguin Books, 1987), p.125.

It is in vain to say that enlightened statesmen will be able to adjust these clashing interests and render them all subservient to the public good. Enlightened statesmen will not always be at the helm. Nor, in many cases, can such an adjustment be made at all without taking into view indirect and remote considerations, which will rarely prevail over the immediate interest which one party may find in disregarding the rights of another or the good of the whole.

MPP6-594 THE UNIFICATION OF POWER IS THE DEFINITION OF TYRANNY

James Madison, fourth President of the United States, "Number Forty-seven," THE FEDERALIST PAPERS, 1788, (Penguin Books, 1987), p.303.

No political truth is certainly of greater intrinsic value, or is stamped with the authority of more enlightened patrons of liberty than that on which the objection is founded. The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.

MPP6-595 COMPLETE SEPARATION OF POWER IS IMPOSSIBLE

James Madison, fourth President of the United States, "Number Forty-seven," THE FEDERALIST PAPERS, 1788, (Penguin Books, 1987), p.305.

If we look into the constitutions of the several States we find that, notwithstanding the emphatical and, in some instances, the unqualified terms in which this axiom has been laid down, there is not a single instance in which the several departments of power have been kept absolutely separate and distinct. New Hampshire, whose constitution was the last formed, seems to have been fully aware of the impossibility and inexpediency of avoiding any mixture whatever of these departments, and has qualified the doctrine by declaring "that the legislative, executive, and judiciary powers ought to be kept as separate from, and independent of, each other as the nature of a free government will admit; or as is consistent with that chain of connection that binds the whole fabric of the constitution, in one indissoluble bond of unity and amity." Her constitution accordingly mixes these departments in several respects.

MPP6-596 SEPARATION OF POWER DOESN'T NEED TO BE COMPLETE

James Madison, fourth President of the United States, "Number Forty-seven," *THE FEDERALIST PAPERS*, 1788, (Penguin Books, 1987), p.303-4.

The British Constitution was to Montesquieu what Homer has been to the didactic writers on epic poetry. As the latter have considered the work of the immortal bard as the perfect model from which the principles and rules of the epic art were to be drawn, and by which all similar works were to be judged, so this great political critic appears to have viewed the Constitution of England as the standard, or to use his own expression, as the mirror of political liberty; and to have delivered, in the form of elementary truths, the several characteristic principles of that particular system. That we may be sure, then, not to mistake his meaning in this case, let us recur to the source from which the maxim was drawn.

On the slightest view of the British Constitution, we must perceive that the legislative, executive, and judiciary departments are by no means totally separate and distinct from each other. The executive magistrate forms an integral part of the legislative authority. He alone has the prerogative of making treaties with foreign sovereigns which, when made, have, under certain limitations, the force of legislative acts. All the members of the judiciary department are appointed by him, can be removed by him on the address of the two Houses of Parliament, and form, when he pleases to consult them, one of his constitutional councils. One branch of the legislative department forms also a great constitutional council to the executive chief, as, on another hand, it is the sole depositary of judicial power in cases of impeachment, and is invested with the supreme appellate jurisdiction in all other cases. The judges, again, are so far connected with the legislative department as often to attend and participate in its deliberations, though not admitted to a legislative vote.

From these facts, by which Montesquieu was guided, it may clearly be inferred that in saying "There can be no liberty where the legislative and executive powers are united in the same person, or body of magistrates," or, "if the power of judging be not separated from the legislative and executive powers," he did not mean that these departments ought to have no partial agency in, or no control over, the acts of each other.

MPP6-597 THE FEDERALISTS BELIEVED GOVERNMENT POWERS NEED NOT BE TOTALLY SEPARATED

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.122.

That the Constitution did not absolutely separate powers but in fact provided for a system of checks in the legislative and executive process was no substantial criticism of the document, for all that was required under the separation-of-powers theory was that no one branch of government exercise the consequential powers of another branch. Inevitably the processes of government required a mixture of these powers.

MPP6-598 SEPARATION OF POWERS BEST CHECKS ABUSE

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.122.

Madison fully recognized the necessity for restraints upon the improper use of power. One of these restraints was the ultimate dependence of the national government upon the people themselves, who would be sensitive to any abuse of governmental authority. Yet this dependency was insufficient as a check in itself, and additional devices were required. The most effective way to check power was to counter power with power and interest with interest. This was achieved, Madison felt, under the separation-of-powers system incorporated in the Constitution. The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointive, or elective, may justly be pronounced the very definition of tyranny. The Constitution avoided this, however, by distributing powers into separate branches.

MPP6-599 MADISON SUPPORTED SEPARATION OF POWER BETWEEN STATE AND NATIONAL LEVELS

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.120-1.

Madison believed that it was necessary under our system of government to divide power between the national and state governments, and he attacked those states' righters who were fearful of this grant of power to the national government.

Was, then, the American Revolution effected, was the American Confederacy formed, was the precious blood of thousands spilt, and the hard-earned substance of millions lavished, not that the people of America should enjoy peace, liberty, and safety, but that the government of the individual states, that particular municipal establishments, might enjoy a certain extent of power, and be arrayed with certain dignities and attributes of sovereignty? As far as the sovereignty of the States cannot be reconciled to the happiness of the people, the voice of every good citizen must be, Let the former be sacrificed to the latter.

MPP6-600 MADISON UPHELD THE PRINCIPLES OF BALANCED GOVERNMENT

Richard Hofstadter, Professor of History, Columbia, *THE AMERICAN POLITICAL TRADITION*, 1948, p.8-9.

What the Fathers wanted was known as "balanced government," an idea at least as old as Aristotle and Polybius. This ancient conception had won new sanction in the eighteenth century, which was dominated intellectually by the scientific work of Newton, and in which mechanical metaphors sprang as naturally to men's minds as did biological metaphors in the Darwinian atmosphere of the late nineteenth century. Men had found a rational order in the universe and they hoped that it could be transferred to politics, or, as John Adams put it, that governments could be "erected on the simple principles of nature." Madison spoke in the most precise Newtonian language when he said that such a "natural" government must be so constructed "that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places." A properly designed state, the Fathers believed, would check interest with interest, class with class, faction with faction, and one branch of government with another in a harmonious system of mutual frustration.

MPP6-601 THE FEDERALIST UPHELD THE SYSTEM OF CHECKS AND BALANCES

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.124.

It was with considerable candor that *The Federalist* disclosed the intentions of the framers of the Constitution. While the national government would bear upon people and states alike, it was established upon such principles that the states and national government might check each other, and furthermore, within the national government the functional branches might also check each other. It was an ambitious and novel effort to establish republican government on a federal basis in such a manner that adequate power would be delegated yet adequate checks retained.

MPP6-602 THE CONSTITUTION INSTITUTIONALIZES THE PROCESS OF POLITICAL COMPROMISE

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.124.

Many of the features of the Constitution were the result of compromises made necessary at the convention between persons of different political persuasions and states with conflicting interests. Yet one of the most significant features of the Constitution is that it institutionalizes the method of compromise as a political process of orderly government. The framers of the Constitution were not especially interested in developing a democratic government, but they were vitally concerned with establishing a balanced government.

MPP6-603 SOUND CRITICISM REQUIRES AN ALTERNATIVE

James Madison, fourth President of the United States, "Number Thirty-eight," *THE FEDERALIST PAPERS*, 1788, (Penguin Books, 1987), p.249-50.

A patient who finds his disorder daily growing worse, and that an efficacious remedy can no longer be delayed without extreme danger, after coolly revolving his situation and the characters of different physicians, selects and calls in such of them as he judges most capable of administering relief, and best entitled to his confidence. The physicians attend; the case of the patient is carefully examined; a consultation is held; they are unanimously agreed that the symptoms are critical, but that the case, with proper and timely relief, is so far from being desperate that it may be made to issue in an improvement of his constitution. They are equally unanimous in prescribing the remedy by which this happy effect is to be produced. The prescription is no sooner made known, however, than a number of persons interpose, and, without denying the reality or danger of the disorder, assure the patient that the prescription will be poison to his constitution, and forbid him, under pain of certain death, to make use of it. Might not the patient reasonably demand, before he ventured to follow this advice, that the authors of it should at least agree among themselves on some other remedy to be substituted? And if he found them differing as much from one another as from his first counselors, would he not act prudently in trying the experiment unanimously recommended by the latter, rather than by hearkening to those who could neither deny the necessity of a speedy remedy, nor agree in proposing one?

MPP6-604 IMPERFECTION ISN'T A REASON TO REJECT A PROPOSAL -- IT MUST BE JUDGED IN COMPARISON TO WHAT EXISTS

James Madison, fourth President of the United States, "Number Thirty-eight," *THE FEDERALIST PAPERS*, 1788, (Penguin Books, 1987), p.252.

It is a matter both of wonder and regret that those who raise so many objections against the new Constitution should never call to mind the defects of that which is to be exchanged for it. It is not necessary that the former should be perfect: it is sufficient that the latter is more imperfect. No man would refuse to give brass for silver or gold, because the latter had some alloy in it. No man would refuse to quit a shattered and tottering habitation for a firm and commodious building because the latter had not a porch to it, or because some of the rooms might be a little larger or smaller, or the ceiling a little higher or lower than his fancy would have planned them.

MPP6-605 TOLERANCE IS REQUIRED IN POLITICS AS WELL AS RELIGION

Alexander Hamilton, first Secretary of the Treasury, "Number One," THE FEDERALIST PAPERS, 1788, (Penguin Books, 1987), p.88.

And a further reason for caution, in this respect, might be drawn from the reflection that we are not always sure that those who advocate the truth are influenced by purer principles than their antagonists. Ambition, avarice, personal animosity, party opposition, and many other motives not more laudable than these, are apt to operate as well upon those who support as those who oppose the right side of a question. Were there not even these inducements to moderation, nothing could be more ill-judged than that intolerant spirit which has at all times characterized political parties. For in politics, as in religion, it is equally absurd to aim at making proselytes by fire and sword. Heresies in either can rarely be cured by persecution.

MPP6-606 HISTORY SHOWS COMMERCIAL REPUBLICS OFTEN WAGE WARS

Alexander Hamilton, first Secretary of the Treasury, "Number Six," THE FEDERALIST PAPERS, 1788, (Penguin Books, 1987), p.106-7.

Sparta, Athens, Rome, and Carthage were all republics; two of them, Athens and Carthage, of the commercial kind. Yet were they as often engaged in wars, offensive and defensive, as the neighboring monarchies of the same times. Sparta was little better than a well-regulated camp; and Rome was never sated of carnage and conquest.

Carthage, though a commercial republic, was the aggressor in the very war that ended in her destruction. Hannibal had carried her arms into the heart of Italy and to the gates of Rome, before Scipio, in turn, gave him an overthrow in the territories of Carthage and made a conquest of the commonwealth.

Venice, in later times, figured more than once in wars of ambition, till, becoming an object to the other Italian states, Pope Julius the Second found means to accomplish that formidable league, which gave a deadly blow to the power and pride of this haughty republic.

The provinces of Holland, till they were overwhelmed in debts and taxes, took a leading and conspicuous part in the wars of Europe. They had furious contests with England for the dominion of the sea, and were among the most persevering and most implacable of the opponents of Louis XIV.

In the government of Britain the representatives of the people compose one branch of the national legislature. Commerce has been for ages the predominant pursuit of that country. Few nations, nevertheless, have been more frequently engaged in war; and the wars in which that kingdom has been engaged have, in numerous instances, proceeded from the people.

MPP6-607 REPUBLICAN AND COMMERCIAL SPIRIT ARE INSUFFICIENT TO CHECK CONFLICT

Alexander Hamilton, first Secretary of the Treasury, "Number Six," THE FEDERALIST PAPERS, 1788, (Penguin Books, 1987), p.106.

Is it not (we may ask these projectors in politics) the true interest of all nations to cultivate the same benevolent and philosophic spirit? If this be their true interest, have they in fact pursued it? Has it not, on the contrary, invariably been found that momentary passions, and immediate interests, have a more active and imperious control over human conduct than general or remote considerations of policy, utility, or justice? Have republics in practice been less addicted to war than monarchies? Are not the former administered by men as well as the latter? Are there not aversions, predilections, rivalships, and desires of unjust acquisitions that affect nations as well as kings? Are not popular assemblies frequently subject to the impulses of rage, resentment, jealousy, avarice, and of other irregular and violent propensities? Is it not well known that their determinations are often governed by a few individuals in whom they place confidence, and are, of course, liable to be tainted by the passions and views of those individuals? Has commerce hitherto done any thing more than change the objects of war? Is not the love of wealth as domineering and enterprising a passion as that of power or glory? Have there not been as many wars founded upon commercial motives since that has become the prevailing system of nations, as were before occasioned by the cupidity of territory or dominion? Has not the spirit of commerce, in many instances, administered new incentives to the appetite, both for the one and for the other? Let experience, the least fallible guide of human opinions, be appealed to for an answer to these inquiries.

MPP6-608 THE FEDERALISTS DIDN'T OVERLY VALUE TRADITION

Isaac Kramnick, Professor of Government, Cornell, Introduction to THE FEDERALIST PAPERS, Penguin Books edition, 1987, p.80.

Both Hamilton and Madison, convinced as they were that the Constitution was the one definitive answer to America's problems in 1787, also spoke with one voice in warning against making of that constitutional solution too rigid a formula for all time. They warned against an unthinking reverence for the past, words of caution that might well be read closely by those who insist that the framers' response to the crisis of the Articles codified political truth and wisdom for all time in America. In Federalist No. 14 Madison described as "the glory of the people of America" the fact that while they respect the past "they have not suffered a blind veneration for antiquity . . . to overrule the suggestions of their own good sense." Hamilton in Federalist No. 34 struck a similar note, insisting that a Constitution must be adaptable to new and different situations. "There ought," he wrote, "to be a capacity to provide for future contingencies as they may happen."

MPP6-609 TYRANNY OF THE MAJORITY DUPLICATES THE STATE OF NATURE

James Madison, fourth President of the United States, "Number Fifty-one," THE FEDERALIST PAPERS, 1788, p.322.

In a society under the forms of which the stronger faction can readily unite and oppress the weaker, anarchy may as truly be said to reign as in a state of nature, where the weaker individual is not secured against the violence of the stronger; and as, in the latter state, even the stronger individuals are prompted, by the uncertainty of their condition, to submit to a government which may protect the weak as well as themselves; so, in the former state, will the more powerful factions or parties be gradually induced, by a like motive, to wish for a government which will protect all parties, the weaker as well as the more powerful.

MPP6-610 WITHOUT COMMON GOVERNMENT, NEIGHBORING NATIONS ARE PRONE TO WAR

Alexander Hamilton, first Secretary of the Treasury, "Number Six," THE FEDERALIST PAPERS, 1788, (Penguin Books, 1987), p.108.

So far is the general sense of mankind from corresponding with the tenets of those who endeavor to lull asleep our apprehensions of discord and hostility between the States, in the event of disunion, that it has from long observation of the progress of society become a sort of axiom in politics that vicinity, or nearness of situation, constitutes nations natural enemies. An intelligent writer expresses himself on this subject to this effect: "NEIGHBORING NATIONS [says he] are naturally ENEMIES of each other, unless their common weakness forces them to league in a CONFEDERATE REPUBLIC, and their constitution prevents the differences that neighborhood occasions, extinguishing that secret jealousy which disposes all states to aggrandize themselves at the expense of their neighbors." This passage at the same time, points out the EVIL and suggests the REMEDY.

MPP6-611 THE LOGIC OF THE FEDERALISTS REJECTS INCOME REDISTRIBUTION

Charles Murray, fellow, American Enterprise Institute, IN PURSUIT OF HAPPINESS AND GOOD GOVERNMENT, 1994, p.141.

Second (and less apocalyptically), policies that attempt to use the state to redistribute goods or increase equality will tend to fail. The ubiquitous "unintended outcomes" that have been found by the evaluators of social programs would not have mystified Publius. Constituencies of persons, Publius already knew, would seek to use the reforms for their own ends. They would form factions, bringing pressures to bear on the politicians who design the policies and the bureaucrats who implement them. The politicians and bureaucrats themselves would have ambitions that affect the way that the programs are run, not to mention other human frailties of vanity, ineptitude, and foolishness that would obstruct the implementation of the great schemes. And if all that were not enough, Publius knew, the very definition of what constituted "serving the common good" would be impossible for anyone not omniscient and of Olympian detachment to discern. A central message for modern times to be drawn from The Federalist is that one cannot use central governments to do such things -- not just "ought not" use them but cannot, successfully. To work, to be just, to be stable, centralized social reforms demand every quality of public man that the Founders did not believe in.

MPP6-612 THE FEDERALIST IS A CLASSIC OF POLITICAL THEORY

Isaac Kramnick, Professor of Government, Cornell, Introduction to THE FEDERALIST PAPERS, Penguin Books edition, 1987, p.11.

Nor would the luster wear off those eighty-five papers. Two centuries, and scores of editions of The Federalist, later, the distinguished American scholar Clinton Rossiter would pronounce The Federalist "the most important work in political science that has ever been written, or is likely ever to be written, in the United States. It is, indeed," he concludes, "the one product of the American mind that is rightly counted among the classics of political theory."

MPP6-613 THE FEDERALIST RANKS WITH THE CLASSICS OF POLITICAL THOUGHT

Isaac Kramnick, Professor of Government, Cornell, Introduction to THE FEDERALIST PAPERS, Penguin Books edition, 1987, p.75-6.

The judgement of posterity was codified in James Kent's Commentaries on American Law, which schooled generations of American lawyers in the nineteenth century:

There is no work on the subject of the constitution, and on republican and federal government generally, that deserves to be more thoroughly studied.... I know not, indeed, of any work on the principles of free government, that is to be compared, in instructive and intrinsic value, to this small and unpretending volume ... not even if we resort to Aristotle, Cicero, Machiavel, Montesquieu, Milton, Locke or Burke.

Not bad company for a set of occasional papers planned by Hamilton to counter the arguments of New York's Anti-Federalists, led by the powerful Governor of the state, George Clinton.

MPP6-614 THE FEDERALIST IS THE CLASSIC STATEMENT OF THE CONSTITUTION'S POLITICAL PRINCIPLES

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.119.

The most consequential campaign literature in favor of the Constitution was a series of articles published in the New York press from October, 1787, until August, 1788, under the signature "Publius." The *Federalist*, written, by Hamilton, Madison, and John Jay, was not only persuasive political literature, but is recognized today as the classic statement of the political principles behind the Constitution.

MPP6-615 THE FEDERALIST HELPS FORM THE MATRIX FOR ALL SUBSEQUENT AMERICAN POLITICAL THOUGHT

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.126-7.

The Constitution, together with the defending essays in *The Federalist*, provided the fundamental matrix for subsequent American political thought. A major triumph for constitutionalism had been achieved. With the early addition of a bill of rights, the brief but extraordinary period of creative constitutionalism closed. Out of this period, however, came the lasting political principles of a federal government based on the people, defined and limited by a written constitution which incorporated a check and balance system as well as a separation of powers.

MPP6-616 THE FEDERALIST IS AMONG THE RICHEST DOCUMENTS IN AMERICAN HISTORY

Edward Mead Earle, Institute for Advanced Study, Princeton, Introduction to *THE FEDERALIST*, Modern Library College Edition, 1937, p.xx.

The foregoing analysis of *The Federalist* by no means exhausts the possibilities. But it will, it is hoped, give some insight into the scope and the learning of the volume as a whole. There are, indeed, few documents of American history which offer so rich a reward to the citizen who reads with care and thoughtfulness. The spirit of the Federal Constitutional Convention -- to establish a government sufficiently vigorous to assure political union and economic prosperity without infringing too far on the rights of the States and of individuals -- is here revealed in striking fashion. And this is of no mere academic interest; it is the immediate concern of every intelligent American. In the light of history few will deny that the Constitution, whatever its defects, is one of the great charters of human freedom and that its builders were master architects.

MPP6-617 THE FEDERALIST IS THE MOST INFLUENTIAL AMERICAN POLITICAL DOCUMENT AFTER THE CONSTITUTION

Charles Murray, fellow, American Enterprise Institute, *IN PURSUIT OF HAPPINESS AND GOOD GOVERNMENT*, 1994, p.134-5.

This understanding was expressed in the Constitutional Convention, in the minutes of the state ratifying conventions, in the public and private correspondence of the leading figures, and (in a losing but influential cause) by the Anti-Federalists. But to a remarkable degree the theory has been handed down to us in a single text, *The Federalist*, the collection of eighty-five letters written to newspapers in New York State in an effort to persuade the voters of New York to ratify the Constitution. The byline on the letters was "Publius," the nom de plume of Alexander Hamilton, who instigated the project, John Jay, who soon had to drop out because of bad health (he was injured in a street riot), and James Madison, a Virginian who chanced to be in New York that winter of 1787-88 for the sitting of the Continental Congress. It was a haphazardly conceived and hastily conducted effort that gave birth to the most enduringly influential document in American political history save only the Constitution itself. Jefferson (who had no part in either the convention or the writing of *The Federalist*) expressed the general opinion of the Founders when offering bibliographical advice to Thomas Randolph in a letter written just two years later. Adam Smith's *Wealth of Nations* was the best book in political economy, he wrote, and John Locke's "little book on government" (meaning the *Second Treatise*) was "perfect as far as it goes." But when it comes to arranging a practical government, "there is no better book than the *Federalist*."

MPP6-618 THE FEDERALIST HAS BEEN UNIVERSALLY PRAISED

Isaac Kramnick, Professor of Government, Cornell, Introduction to *THE FEDERALIST PAPERS*, Penguin Books edition, 1987, p.75.

Reporting to Paris in 1788, the French Charge in New York dismissed *The Federalist* as "of no use to the well-informed, and ... too learned and too long for the ignorant." The New York Journal agreed, referring in May, 1788, albeit with exaggeration, to "the dry trash of Publius in 150 numbers." The verdict of history has been otherwise. *The Federalist* has been put on a pedestal almost as high as the Constitution which it sought to explain and vindicate. From Jefferson's eighteenth-century conviction that it was "the best commentary" on government ever written, to Clinton Rossiter's twentieth-century belief that it is the one great American contribution to the world's literature on politics, *The Federalist* has been universally praised. In the nineteenth century a distinguished American legal historian claimed that "for comprehensiveness of design, strength, clearness and simplicity" *The Federalist* "has no parallel among the writings of men, not even excepting or overlooking those of Montesquieu. and Aristotle." Nor have only Americans sung its praises. Francois Guizot, the nineteenth-century French statesman, did "not know in the whole compass of my reading [on politics and government] ... so able a book."

MPP6-619 THE FEDERALIST DISPLAYS AN ACUTE UNDERSTANDING OF ECONOMICS

Edward Mead Earle, Institute for Advanced Study, Princeton, Introduction to THE FEDERALIST, Modern Library College Edition, 1937, p.xiv.

This whole paper, which deserves the thoughtful attention of every student of American government, is one of the ablest statements ever made anywhere of the economic basis of politics and, indeed, of the economic interpretation of political history. Recognizing that religion, personal ambition, differences of opinion concerning other matters, and even "frivolous and fanciful distinctions" have accounted for partisan rivalry and strife, Madison nevertheless believed that "the most common and durable source of factions has been the various and unequal distribution of property."

MPP6-620 WASHINGTON FORESAW THE FEDERALIST'S ENDURING QUALITIES

Isaac Kramnick, Professor of Government, Cornell, Introduction to THE FEDERALIST PAPERS, Penguin Books edition, 1987, p.81.

George Washington, on the other hand, anticipated the timeless quality of The Federalist as he wrote to Hamilton, its Publius Maximus, on August 28, 1788:

When the transient circumstances and fugitive performances which attended this crisis shall have disappeared, that work will merit the notice of posterity; because in it are candidly and ably discussed the principles of freedom and the topics of government, which will be always interesting to mankind so long as they shall be connected in civil society.

MPP6-621 JEFFERSON STRONGLY ADMIRERED THE FEDERALIST

Isaac Kramnick, Professor of Government, Cornell, Introduction to THE FEDERALIST PAPERS, Penguin Books edition, 1987, p.11.

Few readers of the New York Independent Journal on October 27, 1787, could have realized that the essay appearing on page two of their newspaper that day, "The Federalist No. 1," would inaugurate a series of eighty-five papers, which thirteen months later Thomas Jefferson would call "the best commentary on the principles of government which ever was written."

MPP6-622 BEARD'S ECONOMIC ANALYSIS OF THE CONSTITUTION WAS SIMPLISTIC

Isaac Kramnick, Professor of Government, Cornell, Introduction to THE FEDERALIST PAPERS, Penguin Books edition, 1987, p.61-2.

Beard's iconoclastic study both shook the Jeffersonian image of the framers as "demigods" and set off a veritable industry of post-Beardian defenders and critics. For some his methodology has proved suspect; for others his mistakes in no way detract from his fundamental insight. There are, indeed, some fundamental flaws in Beard's simplistic analysis. Many of the leading Anti-Federalists, for example, were among the wealthiest men in the country. George Mason regarded George Washington as a parvenu surveyor, and John Winthrop ("Agrippa") was a scion of New England's most aristocratic family. Nor did Richard Lee and Elbridge Gerry lack great wealth. The reverse is also true; capital-poor artisans in the major cities were ardent supporters of the Constitution. It is said that pressure from the mechanic classes in Massachusetts turned Sam Adams from his opposition to the Constitution to grudging support. Artisans wanted tariff protection and the promotion of commerce, and they saw a strong national government as the only way these could be achieved.

MPP6-623 MADISON'S INSIGHTS INTO COUNTERVAILING POWERS REMAIN VALID

John Brandl, University of Minnesota, LEARNING FROM SCHOOL CHOICE, Paul Peterson and Bryan Hassel, eds., 1998, p.66.

James Madison's insight that a large democratic republic would be possible ranks in importance with Adam Smith's explication of the economic benefits of markets. In their fundamentals the two men's insights were identical. Both recognized the tendency for people to act self interestedly, especially when dealing with strangers. Both saw the possible ill effects of self-interest if it is permitted to run amok. And both were intrigued with the civilizing influence on free persons of engagement in political and economic give and take. But their central idea was that competition, the institutionalization of countervailing powers, could harness self-interest. If interests were set against interests, largely self-policing systems of politics in the one case and economics in the other could be devised. To this day the possibilities inherent in that idea have not been entirely plumbed.

MPP6-624 FEDERALIST PERSPECTIVES REMAIN INFLUENTIAL TODAY

Isaac Kramnick, Professor of Government, Cornell, Introduction to *THE FEDERALIST PAPERS*, Penguin Books edition, 1987, p.46-7.

Nor do the Federalist positions in the "great national discussion" of 1787 and 1788 lack their defenders today. With much the same honesty and candor used by Madison and Hamilton, many contemporary neoconservatives in America acknowledge and applaud the Federalist founding fathers' skepticism about democracy and see it as an enduring principle of American politics. For Martin Diamond, writing in 1976, the Federalists were "sober and cautious democrats." Their "sobriety," he argues, lies "in their coolheaded and cautious acceptance of democracy."

For Joseph Bassett, writing in 1981, the Federalist founding fathers teach contemporary America that there are "two types of public voice":

The one is more immediate or spontaneous, uninformed and unreflective; the other is more deliberative, taking longer to develop and resting on a fuller consideration of information and arguments. It is the second type that the framers sought, to promote; this is what they meant when they talked about the rule of the majority. In the service of this end, the rule of the deliberative majority, political leaders were obliged to resist, at least for a time, unreflective popular sentiments that were unwise or unjust.

MPP6-622 THE VALUE OF THE FEDERALIST TRANSCENDS ITS IMMEDIATE CONTEXT

Isaac Kramnick, Professor of Government, Cornell, Introduction to *THE FEDERALIST PAPERS*, Penguin Books edition, 1987, p.81.

Many of these approaches to *The Federalist* have been utilized in this Introduction. The great texts in the history of political discourse have had their genesis in specific historical contexts and yet have lifted themselves from that timebound context to speak to future ages with timeless propositions about "reason, justice and truth," the concern of Madison in Federalist No. 63, John Locke's *Second Treatise on Civil Government*, for example, was a product of a tumultuous constitutional crisis of the 1680s in Britain centered on a Parliamentary effort to exclude a Catholic from what was seen as a Protestant throne. But from that historical moment and its pressing impact Locke extracted more fundamental questions about rights, political obligation and the nature of consensual government that speak to future generations. So it is with *The Federalist*. It is firmly rooted in the America of the 1770s and the 1780s; it cannot be understood otherwise. But, as Hamilton presciently realized, it was a text that did, indeed, "look forward to remote futurity."

MPP6-623 THE FEDERALIST REMAINS VITAL TO CONTEMPORARY POLICYMAKING

Charles Murray, fellow, American Enterprise Institute, *IN PURSUIT OF HAPPINESS AND GOOD GOVERNMENT*, 1994, p.135.

All of this contrives to make *The Federalist* almost inaccessible to us today. It is a classic as Mark Twain defined one, a book that people praise and don't read. Nor is it an easy read, written as it is in the cadences and with the vocabulary of the eighteenth century. But it remains a critically important document for contemporary policymaking. *The Federalist* is not about the eighteenth century. It is about how humans function when given access to public power.

MPP6-624 NEW ECONOMIC THEORIES CONFIRM THE FEDERALISTS

John Brandl, University of Minnesota, *LEARNING FROM SCHOOL CHOICE*, Paul Peterson and Bryan Hassel, eds., 1998, p.62-3.

For our purposes the main idea of the new economics of organization is that government suffers from the same failures as does the market. The new economics of organization consists of a not-yet-consolidated collection of theories in the social sciences that have five features in common: (1) The behavior of an organization, governmental or otherwise, is understood as the aggregated actions of the individuals within it. (2) Each of those individuals is ordinarily expected to further his or her own interests. (3) The interests of individuals are commonly expected to be divergent from each other and from the purported purposes of organizations of which they are members. And (4) it is thought to be frequently difficult -- that is, expensive -- to detect when individuals advance their interests at the expense of others, so it is hard to hold them responsible for such actions. Therefore, (5) organizational failure comes to be construed as the aggregated actions of individuals behaving in ways detrimental to others because they are not systematically constrained from doing so.

At this level of abstraction one could detect the elements of these new theories in the Federalist Papers. They can indeed be thought of as a rebirth of Madisonian thinking, though Madison saw more virtue along with the self-interest in human motivation than do many of his latter-day followers.

MPP6-628 THE FEDERALIST HAS WITHSTOOD THE TEST OF TIME

Edward Mead Earle, Institute for Advanced Study, Princeton, Introduction to *THE FEDERALIST*, Modern Library College Edition, 1937, p.xxi.

A century and a half is a relatively short time in the course of human affairs. It is a long life for any document drafted by fallible human hands. Indeed, the Constitution of the United States is the venerable patriarch of the world's written charters of government. Both the Constitution and its great exposition, *The Federalist*, have withstood the ruthless test of time.

MPP6-629 BEARD INDICTED THE FEDERALISTS AS ECONOMICALLY SELF-INTERESTED

Isaac Kramnick, Professor of Government, Cornell, Introduction to THE FEDERALIST PAPERS, Penguin Books edition, 1987, p.61.

Ever since the publication in 1913 of Charles Beard's *An Economic Interpretation of the Constitution* a good deal of attention has been paid to the issue of class in explaining the Federalist/Anti-Federalist split. Beard depicted the Federalists as speaking for the personal property interests of substantial capital, and their opponents as speaking for small farmers and the debtor classes. While some of the Federalists were businessmen, manufacturers, shippers and speculators, they were as a class, according to Beard, all defined as holders of public securities. It was to safeguard that investment, Beard suggested, that they were led to draw up the new Constitution. As he put it: "The overwhelming majority of members, at least five-sixths, were immediately, directly and personally interested in the outcome of their labors at Philadelphia." The document they drafted, according to Beard, served the interests of capital by protecting business from predators like the Shaysites; and by providing revenues that would pay the claims of public creditors.

MPP6-630 BEARD'S ANALYSIS HAS A CORE OF VALID INSIGHT

Isaac Kramnick, Professor of Government, Cornell, Introduction to THE FEDERALIST PAPERS, Penguin Books edition, 1987, p.62.

We have seen, and will see, that there were other factors -- ideological, sociological and political -- that played a role in forming Federalists and Anti-Federalists. Still, there is an irreducible element of insight in Beard's emphasis on the importance of economic factors. Perhaps it was less in terms of the crude and immediate personal economic interest of the main actors, but there can be no doubt that material concerns and principles as well as ideological ones played their part. Hamilton reckoned as one of the "circumstances" in favor of the Constitution "the good will of most men of property in the several states who wish a government of the Union able to protect them against domestic violence and the depredations which the democratic spirit is apt to make on property." The problem is really the mythology developed in the nineteenth century about the framers, which rendered them such disinterested and heroic lawgivers that any realistic assessment of worldly and timely concerns was pushed aside. Beard brought class questions out of the closet, even if his analysis lacked subtlety and tolerance for other factors. The irony is that the participants in the "great national discussion" had no hesitation themselves in emphasizing issues of class. But for them it was not a matter of "personalty interests" and "realty interests," to use Beard's terms. It was a matter of "aristocracy," for it or against it.

MPP6-631 HAMILTON WAS ANTI-DEMOCRATIC

Edward Mead Earle, Institute for Advanced Study, Princeton, Introduction to THE FEDERALIST, Modern Library College Edition, 1937, p.xvi-xvii.

Although the proposed government was to be representative in character, it was not to be democratic. Hamilton's antipathy to popular government is too well known to need further comment. But he was not alone in distrust of the people, for the "turbulence and follies of democracy" were a favorite topic for discussion in the sessions of the Convention. And this was but natural in view of the circumstances. As Madison said in No. 10 of *The Federalist* it was the opinion of "our most considerate and virtuous citizens" that many of the evils of the Confederation "instability ... injustice," "confusion introduced into the public councils," and the like -- were the outgrowth in the States of "the superior force of an interested and overbearing majority." Furthermore, democracy in 1787 was regarded as a radical creed even where it was entertained at all. It should be remembered that it was not until six years later that the experiment was tried in France, only to be greeted with a torrent of abuse in Europe and America. In the United States, democracy dates from about the middle of the nineteenth century rather than from the end of the eighteenth.

MPP6-632 HAMILTON AND COMPANY SCORNE THE GENERAL PUBLIC

Richard Hofstadter, Professor of History, Columbia, *THE AMERICAN POLITICAL TRADITION*, 1948, p.5.

There was a continuous lineage of upper-class contempt, from pre-Revolutionary Tories like Peggy Hutchinson, the Governor's daughter, who wrote one day: "The dirty mob was all about me as I drove into town," to a Federalist like Hamilton, who candidly disdained the people. Mass unrest was often received in the spirit of young Gouverneur Morris: "The mob begin to think and reason. Poor reptiles! . . . They bask in the sun, and ere noon they will bite, depend upon it. The gentry begin to fear this." Nowhere in America or Europe -- not even among the great liberated thinkers of the Enlightenment -- did democratic ideas appear respectable to the cultivated classes. Whether the Fathers looked to the cynically illuminated intellectuals of contemporary Europe or to their own Christian heritage of the idea of original sin, they found quick confirmation of the notion that man is an unregenerate rebel who has to be controlled.

MPP6-633 MADISON AND HIS COLLEAGUES HAD AN OVERLY RIGID VIEW OF HUMAN NATURE

Richard Hofstadter, Professor of History, Columbia, *THE AMERICAN POLITICAL TRADITION*, 1948, p.7.

If the masses were turbulent and unregenerate, and yet it government must be founded upon their suffrage and consent, what could a Constitution-maker do? One thing that the Fathers did not propose to do, because they thought it impossible, was to change the nature of man to conform with a more ideal system. They were inordinately confident that they knew what man always had been and what he always would be. The eighteenth-century mind had great faith in universals. Its method, as Carl Becker has said, was "to go up and down the field of history looking for man in general, the universal man, stripped of the accidents of time and place." Madison declared that the causes of political differences and of the formation of factions were "sown in the nature of man" and could never be eradicated. "It is universally acknowledged," David Hume had written, "that there is a great uniformity among the actions of men, in all nations and ages, and that human nature remains still the same in its principles and operations. The same motives always produce the same actions. The same events always follow from the same causes."

MPP6-634 THE FOUNDERS VIEW OF HUMAN NATURE INSTITUTIONALIZES ENDLESS CONFLICT

Richard Hofstadter, Professor of History, Columbia, *THE AMERICAN POLITICAL TRADITION*, 1948, p.16-17.

From a humanistic standpoint there is a serious dilemma in the philosophy of the Fathers, which derives from their conception of man. They thought man was a creature of rapacious self-interest, and yet they wanted him to be free --free, in essence, to contend, to engage in an umpired strife, to use property to get property. They accepted the mercantile image of life as an eternal battleground, and assumed the Hobbesian war of each against all; they did not propose to put an end to this war, but merely to stabilize it and make it less murderous. They had no hope and they offered none for any ultimate organic change in the way men conduct themselves. The result was that while they thought self-interest the most dangerous and unbrookable quality of man, they necessarily underwrote it in trying to control it. They succeeded in both respects: under the competitive capitalism of the nineteenth century America continued to be an arena for various grasping and contending interests, and the federal government continued to provide a stable and acceptable medium within which they could contend; further, it usually showed the wholesome bias on behalf of property which the Fathers expected. But no man who is as well abreast of modern science as the Fathers were of eighteenth-century science believes any longer in changing human nature. Modern humanistic thinkers who seek for a means by which society may transcend eternal conflict and rigid adherence to property rights as its integrating principles can expect no answer in the philosophy of balanced government as it was set down by the Constitution-makers of 1787.

MPP6-635 THE POLITICAL VIEWS OF THE FEDERALISTS ARE REACTIONARY BY CURRENT STANDARDS

Richard Hofstadter, Professor of History, Columbia, *THE AMERICAN POLITICAL TRADITION*, 1948, p.15-16.

In fact, the Fathers' image of themselves as moderate republicans standing between political extremes was quite accurate. They were impelled by class motives more than pietistic writers like to admit, but they were also controlled, as Professor Beard himself has recently emphasized, by a statesmanlike sense of moderation and a scrupulously republican philosophy. Any attempt, however, to tear their ideas out of the eighteenth-century context is sure to make them seem starkly reactionary. Consider, for example, the favorite maxim of John Jay: "The people who own the country ought to govern it." To the Fathers this was simply "a swift axiomatic statement of the stake-in-society theory of political rights, a moderate conservative position under eighteenth-century conditions of property distribution in America. Under modern property relations this maxim demands a drastic restriction of the base of political power. A large portion of the modern middle class -- and it is the strength of this class upon which balanced government depends -- is propertyless; and the urban proletariat, which the Fathers so greatly feared, is almost one half the population. Further, the separation of ownership from control that has come with the corporation deprives Jay's maxim of twentieth-century meaning even for many propertied people. The six hundred thousand stockholders of the American Telephone & Telegraph Company not only do not acquire political power by virtue of their stock-ownership, but they do not even acquire economic power: they cannot control their own company.

MPP6-636 THE CIRCUMSTANCES OF ITS COMPOSITION MAKE THE FEDERALIST FLAWED

Edward Mead Earle, Institute for Advanced Study, Princeton, *Introduction to THE FEDERALIST*, Modern Library College Edition, 1937, p.xi.

The Federalist, of course, is not without faults. It was avowedly a piece of special pleading, offered in the rough-and-tumble of partisan politics; its inherent worth, therefore, is all the more astonishing. It is repetitious, partly on account of multiple authorship and partly on account of serial publication; that it is coherent at all is remarkable in view of the pressure of time and circumstance under which it was prepared. It is not always frank; Hamilton, for example, would have preferred a national to a federal government, and he was contemptuous of popular opinion; but he loyally and vigorously supported, much in the relationship of lawyer to client, the Constitution for which he really felt comparatively little enthusiasm. It presents a number of historical analogies of doubtful application, and it spends a good deal of space in answering the arguments, some of them fanciful, which were offered against the Constitution in 1787 and 1788.

MPP6-637 THE AUTHORS OF THE FEDERALIST SHARE A CONSISTENT PERSPECTIVE

Isaac Kramnick, Professor of Government, Cornell, Introduction to THE FEDERALIST PAPERS, Penguin Books edition, 1987, p.79.

"Publius" spoke in one voice despite the varied personalities and contrasting styles of the three individuals who contributed to the persona, and despite the future dramatic falling-out of Hamilton and Madison. Between October, 1787, and June, 1788, the three authors were of one mind, as they had been throughout the 1780s. A consistent perspective informs all the contributions to The Federalist: the manifest inadequacy of the Confederation and the self-evident desirability of a national solution. Each of the three writers pursued these common themes in areas that particularly interested them. Hamilton wrote of an energetic and vigorous state. He wrote of taxes, war, armies and the Presidency. Madison was preoccupied with the institutionalization of checks and balances and with curbing legislative supremacy. Jay, in his more limited role, wrote of foreign affairs.

MPP6-638 HAMILTON AND MADISON HAD IMPORTANT DISAGREEMENTS

Isaac Kramnick, Professor of Government, Cornell, Introduction to THE FEDERALIST PAPERS, Penguin Books edition, 1987, p.73.

What of Madison's relationship to this Hamiltonian state? Madison was a state-builder, too, but his state was quite different from Hamilton's, and upon their differences a good deal of American politics in the next two decades would turn. Madison and Hamilton were in agreement on many things. They agreed on the need to establish an effective unified national government. They agreed on the serious threats to personal property rights posed by the state legislatures and on the role that establishing a central government would play in their protection. They agreed on the need to have the central government run by worthy, enlightened and deliberative men. They agreed on the Constitution as necessary to provide the essential framework for commercial development through the creation of a national market, public credit, a uniform currency and the protection of contract. To be sure, Madison's vision was tilted towards agrarian capitalism and Hamilton's to manufactures and commerce. Where they markedly disagreed, however, was over giving positive, assertive power, "energy" and "vigor" to the government of the center.

MPP6-639 UNLIKE HAMILTON, MADISON'S VIEWS ARE HIGHLY LOCKEAN

Isaac Kramnick, Professor of Government, Cornell, Introduction to THE FEDERALIST PAPERS, Penguin Books edition, 1987, p.73-4.

Hamilton saw the central government valuable in and for its own sake as assertive power. He saw the nation state with its own historic and heroic goals, seeking power in a competitive international system of other power-hungry states. Madison saw the nation state necessary only to protect private rights and thus ensure justice. Like Locke he saw the need for a grant of power to the state, but a grant of limited power. Madison saw the central government providing an arena for competitive power, where the private bargaining of free men, groups and interests would take place, and the state would define no goals of its own other than ensuring the framework for orderly economic life. All the state would do was regulate "the various and interfering interests" or, as Madison put it in his letter to Washington in straightforward Lockean terms, be an impartial umpire in disputes. Energy in politics for Madison would come from individuals and groups seeking their own immediate goals, not from an energetic state seeking its own historic ends.

MPP6-640 JEFFERSON SUPPORTED THE IDEA OF CHECKS AND BALANCES

Richard Hofstadter, Professor of History, Columbia, THE AMERICAN POLITICAL TRADITION, 1948, p.29.

Jefferson, of course, accepted the principle of balanced government and the idea that the people must be checked.

"It is not by the consolidation, or concentration of powers, but by their distribution that good government is effected," he wrote in his autobiography. He designed a constitution for Virginia in 1776 which employed the principle of checks and balances and required property qualifications of voters. Of the two houses of the legislature, only the lower was to be elected by the people: the senate was to be chosen by the house, as was the governor, so that two of the three parts of the lawmaking body were at one remove from the citizens. Five years later, criticizing the Constitution that had been adopted by Virginia instead of his own, he complained primarily of its lack of checks: the Senate and the House of Delegates were too much alike because both were chosen by the voters in the same way. "The purpose of establishing different houses of legislation is to introduce the influence of different interests or different principles."

MPP6-641 JEFFERSON SAW UNCHECKED GOVERNMENT AS ELECTIVE DESPOTISM

Richard Hofstadter, Professor of History, Columbia, *THE AMERICAN POLITICAL TRADITION*, 1948, p.29-30.

He continued:

All the powers of government, legislative, executive, and judiciary, result to the legislative body. The concentrating these in the same hands is precisely the definition of despotic government. It will be no alleviation that these powers will be exercised by a plurality of hands and not by a single one. One hundred and seventy-three despots would surely be as oppressive as one. . . . As little will it avail us that they are chosen by ourselves. An elective despotism was not the government we fought for, but one which should not only be founded on free principles, but in which the powers of government should be so divided and balanced among several bodies of magistracy, as that no one could transcend their legal limits without being effectually checked and restrained by others.

This would have been accounted sound doctrine at the Philadelphia Convention of 1787. A government that does not divide and balance powers in a system of checks is precisely what Jefferson means by despotic; the fact that the governing body is chosen by the people does not qualify his complaint; such a government, without checks, is merely "an elective despotism." Jefferson, then, refused to accept simple majority rule, adopting instead the idea that "different interests or different principles" should be represented in government.

MPP6-642 JEFFERSON SAW GOVERNMENTAL CHECKS AND BALANCES AS NECESSARY

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.160-1.

Although Jefferson had faith that the majority of the people, as voters, would choose their representatives wisely, he did not believe that the majority of representatives, as governors, would rule wisely without personal favor, ambition or prejudice. He had, of course, even less faith in the governors who were not chosen by the people. But the point is that although he trusted the people as voters, he trusted no government, not even a democratically elected one that could exercise fully the powers of the state. It was always necessary to have institutional checks upon the branches of government, so that persons exercising authority could be checked by other persons exercising authority. Power was thus pitted against power in order to help preserve popular liberty.

MPP6-643 FOR JEFFERSON, CONSTITUTIONALISM IS NEEDED TO CHECK ABUSE OF POWER

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.159.

A government founded not upon trust, but upon distrust, required constitutional restraints at every turn to keep it within its prescribed authority. Thus a written constitution was necessary to define the powers of government and spell out their limitations. Even though the constitution limited the powers of government, it was a wise precaution to attach a bill of rights so there would be no doubt as to the nature of the liberties of the people. It was indeed for the preservation of these rights that government was instituted among men.

MPP6-644 MAJORITY ABUSE OF MINORITY RIGHTS SHOULD BE CONSTITUTIONALLY CHECKED

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.159.

Although Jefferson sought to base the government upon the principle of majority rule, he did not believe that the majority would necessarily always be right. He believed that the majority was more likely to be right than the minority, but that even the majority acting in accordance with constitutional process ought not to be able to violate the basic rights of man.

MPP6-645 JEFFERSON DEFENDED THE NECESSITY OF PERIODIC CONSTITUTIONAL REFORM

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.161-2.

In his letter of 1816 he noted:

Some men look at constitutions with sanctimonious reverence, and deem them like the arc of the covenant, too sacred to be touched ... I am certainly not an advocate for frequent and untried changes in laws and constitutions.... But I know also, that laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths are disclosed, and manner and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times. We might as well require a man to wear still the coat which fitted him when a boy, as civilized society to remain under the regimen of their barbarous ancestors.

MPP6-646 FOR JEFFERSON, DECENTRALIZATION OF POWER IS A KEY CHECK ON GOVERNMENT

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.157-8.

As a result he believed that government ought always to be kept close to the people, since government inclined to abuse power as it became further removed from those it governed. "Every government degenerates when trusted to the rulers of the people alone. The people themselves, therefore, are its only safe depositories." This belief led him to place local government first, state government next, and the national government last in terms of scope of powers which should be granted to them. Where the government was close to the people they would be quick to check its abuses, for the people were, after all, the best guardians of their liberties. He sought therefore both to strengthen in powers and to make more democratic the offices of local self-government.

MPP6-647 JEFFERSON SAW PUBLIC DEBT AS IMPOVERISHING AND IMMORAL

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.163-4.

Jefferson believed that no generation should impose a public debt upon the next, for the earth belonged to the living and not to the dead. Could the dead leave debts, then they would be controlling, to the extent of the debt, the next generation. Hamilton, on the contrary, had seen the public debt as a means of wooing the financial interests of the country to the national government as well as a justification for further taxation. In a letter to Samuel Kercheval in 1816 Jefferson wrote:

I am not among those who fear the people. They, and not the rich, are our dependence for continued freedom. And to preserve their independence, we must not let our rulers load us with perpetual debt. We must make our election between economy and liberty, or profusion and servitude. If we run into such debts, as that we must be taxed in our meat and in our drink, in our necessities and our comforts, in our labors and our amusements, for our callings and our creeds, as the people of England are, our people, like them, must come to labor sixteen hours in the twenty-four, give the earnings of fifteen of these to the government for their debts and daily expenses; and the sixteenth being insufficient to afford us bread, we must live, as they now do, on oatmeal and potatoes; have no time to think, no means of calling the mis-managers to account; but be glad to obtain subsistence by hiring ourselves to rivet their chains on the necks of our fellow-sufferers.

MPP6-648 JEFFERSON THOUGHT THE CORRUPTING EFFECTS OF POWER JUSTIFY DEMOCRACY

Richard Hofstadter, Professor of History, Columbia, *THE AMERICAN POLITICAL TRADITION*, 1948, p.26.

Jefferson's Federalist opponents feared, above all, power lodged in the majority. Jefferson feared power lodged anywhere else. In his First Inaugural Address he asked concerning the common observation "that man cannot be trusted with the government of himself": "Can he, then, be trusted with the government of others?" He would have agreed with Madison that power is "of an encroaching nature," and he was sure that power corrupts those who possess it. "If once the people become inattentive to 'the public affairs,' he wrote Edward Carrington from Paris, "you and I and Congress and Assemblies, judges and Governors, shall all become wolves. It seems to be the law of our general nature, in spite of individual exceptions."

MPP6-649 JEFFERSON SAW AN ENGAGED CITIZENRY AS ESSENTIAL FOR REPUBLICAN RULE

Richard Hofstadter, Professor of History, Columbia, *THE AMERICAN POLITICAL TRADITION*, 1948, p.26-7.

Admitting that a majority will often decide public questions wrongly, Jefferson argued that "the duperies of the people are less injurious" than the self-interested policies of kings, priests, and aristocrats. He refused to be alarmed by popular uprisings like the Shays Rebellion. In the safety of his private correspondence he felt free to say that "honest republican governments" should be "so mild in their punishment of rebellions as not to discourage them too much." "A little rebellion now and then is a good thing, and as necessary in the political world as storms in the physical." The people are not always well informed, but it is better that they have misconceptions that make them restless than that they be lethargic -- for lethargy in the people means death for republics.

MPP6-650 JEFFERSONIAN NOTIONS OF DEMOCRACY REMAIN VALID

Charles Murray, fellow, American Enterprise Institute, *IN PURSUIT OF HAPPINESS AND GOOD GOVERNMENT*, 1994, p.xiv-xv.

The first was a notion that what I had seen in small rice-farming communities was relevant to complex American communities. The thought took a long time to mature; the reasons to resist were for a long time overwhelming. But I finally came to rest in the belief that Jeffersonian democracy is still the best way to run society, including the society in which we find ourselves today. Yes, I am aware that Jefferson himself said the earth is for the living, and that he chided those who "ascribe to the preceding age a wisdom more than human." But it just may be that on certain fundamental questions of government, Jefferson and his colleagues were right more universally than they knew. In particular, they understood that the vitality of communities and the freedom of individuals are intertwined, not competitive.

MPP6-651 FOR JEFFERSON, EDUCATION IS KEY TO SOUND GOVERNMENT

Richard Hofstadter, Professor of History, Columbia, *THE AMERICAN POLITICAL TRADITION*, 1948, p.27.

Again and again Jefferson urged that the people be educated and informed through a broad common-school system and a free press. Although he had small faith in the power of republics to resist corruption and decay, he hoped that mass education would stem this degenerative process. Education not only would give stability and wisdom to the politics of a commonwealth, but would widen opportunities, bring out the natural talents that could be found in abundance among the common people. Throughout Jefferson's life there runs this humane concern for "the pursuit of happiness," for the development of the individual without regard to limitations of class.

MPP6-652 JEFFERSONIAN DEMOCRACY DEPENDS ON BROAD PUBLIC EDUCATION

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.152.

This was to assume, in effect, that educated people equally possessed of the facts of a case and in fundamental agreement on the laws of morality would not differ widely in their opinions. The successful operation of democracy therefore depended to a large extent upon the education of the populace. In proposing a bill for an extensive system of public education in Virginia, Jefferson noted that not only would such a system train leaders who might later serve as useful instruments of the public, but further that the people generally would also be better informed of tyranny in all its guises and thus be the fitter to defeat it.

MPP6-653 JEFFERSON SAW EDUCATION AS A MAJOR SOURCE OF MORALITY AND HAPPINESS

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.152-3.

In this age of reason great credence was given to the possibilities of education as a means of guiding man out of his difficulties. Jefferson saw in education not only a means whereby democracy might be preserved but also a means by which each man might be led to his own happiness. Education in morality would teach people how to work out their own greatest happiness by showing them that it does not depend on the condition of life in which chance has placed them, but is always the result of a good conscience, good health, occupation, and freedom in all just pursuits.

It was education which could remedy the defects of an improper understanding of the moral law. For, Jefferson believed, men might be taught to see that it was to their self-interest to obey the laws of morality.

MPP6-654 JEFFERSON UPHELD A VIEW OF EQUALITY DERIVED FROM SOCIAL CONTRACT THOUGHT

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.90.

Enumerated among the various truths are two. The first of these, the conception of equality, is again a conception which is as ancient as the Stoics. The concept of the brotherhood of men and the fatherhood of God is reinforced by Christianity. In more recent times Hobbes and Locke had assumed the fundamental idea of human equality in a state of nature. This conception of equality should not be confused with equality in physical appearances or mental capabilities, for it merely posited an equality in man's purpose and work. To a theologian, all men were equal in the sight of the Lord; to a lawyer, all men were equal in the eyes of the Court. But, even beyond these specialized fields there was a fundamental equality that made every man's reason of value and every man's feelings worth considering.

MPP6-655 EVEN JEFFERSON DEFENDED "NATURAL ARISTOCRACY"

Charles Murray, fellow, American Enterprise Institute, *IN PURSUIT OF HAPPINESS AND GOOD GOVERNMENT*, 1994, p.131-2.

The Founders were not egalitarians nor even very good democrats. Men are unequal, they observed, and these inequalities should affect the way a government is structured. This is a far different thing from saying that the inequalities are unjust and should be reduced (the twentieth-century issue), for the inequalities that concerned them were inequalities of virtue, accomplishment, and judgment, not inequalities of material condition. When it came to government and what was meant by "the consent of the governed," the Founding Fathers were generally persuaded that one could easily go too far. Thus Jefferson could write easily of a "natural aristocracy" of virtue and talents that "I consider as the most precious gift of nature, for the instruction, the trusts, and government of society."

MPP6-656 JEFFERSON BELIEVED IN STATES' RIGHTS AS A MEANS OF CHECKING POWER

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.162.

The state governments, limited by the constitutions yet founded upon the will of the people, were essential guardians of liberty. The states were separate and distinct republics independent in their domestic affairs yet amalgamated for their foreign concerns, and jealous of their own rights, would prevent any consolidation of power elsewhere. Jefferson's belief in states' rights was but another illustration of his antipathy towards concentrated power wherever lodged. Just as he had opposed concentrating public power in any one functional branch of the government, so did he oppose the consolidation of all power into either the state or the national government. "It is a fatal heresy to suppose that either our State governments are superior to the federal, or the federal to the States," Jefferson wrote in a letter in 1821.

MPP6-657 JEFFERSON ARGUED FOR NARROW DEFINITIONS OF FEDERAL POWER

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.164.

In opposition to Hamilton's plan for a national bank Jefferson gave it as his opinion that the bank bill was not only unconstitutional but a dangerous invasion of the powers of the states. It was unconstitutional in that no delegated power provided for such a bank, nor could such a power be reasonably implied from the Constitution. The "necessary and proper" clause in the Constitution should be construed as admitting all those "necessary means, that is to say, to those means without which the grant of power would be nugatory." The bank might be a convenient means of exercising national powers, but certainly not a necessary one.

MPP6-658 JEFFERSON SAW HAPPINESS AS A UNIVERSAL GOAL

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.153.

Happiness was to Jefferson, as to many French thinkers of the late eighteenth century, the goal of every individual. His conception of happiness was not, however, to be equated with mere hedonism; every man sought happiness, but one only approached this goal as he observed the laws of morality and enjoyed personal freedom. The greatest utility of freedom was that it enabled moral man to attain happiness. This conception of the relationship of morality and education served as a basis for Jefferson's political ideas.

MPP6-659 JEFFERSON EMBRACED THE PURSUIT OF UTILITY

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.153.

While Jefferson believed in a universal moral sense, he did not believe that the actions dictated by this moral sense need be always the same. The action might be considered virtuous in one country and vicious elsewhere: "The answer is, that nature has constituted utility to man, the standard and test of virtue. Men living in different countries under different circumstances, different habits and regimens, may have different utilities; the same act, therefore, may be useful, and consequently virtuous in one country which is injurious and vicious in another differently circumstanced." Letter of June 13, 1814, from Jefferson to Thomas Law. *The Writings of Thomas Jefferson*, edited by H. A. Washington, vol. VI, p. 351.

MPP6-660 PURSUIT OF HAPPINESS IS THE HIGHEST GOOD

Charles Murray, fellow, American Enterprise Institute, *IN PURSUIT OF HAPPINESS AND GOOD GOVERNMENT*, 1994, p.7-8.

Let me add therefore another common understanding from the eighteenth-century tradition. It was taken for granted that any thoughtful person thinks about what "the good" means, and especially about what the highest good means. It was also taken for granted that thoughtful people strive to live their lives (albeit with the frailties and inconstancies of humans) according to that understanding. The pursuit of happiness is not just something that human beings "do" it is the duty of a human being functioning as a human being, on a par with the duty to preserve one's integrity.

MPP6-661 PURSUIT OF HAPPINESS IS KEY TO FULL HUMANITY

Charles Murray, fellow, American Enterprise Institute, *IN PURSUIT OF HAPPINESS AND GOOD GOVERNMENT*, 1994, p.8.

Let me take this thought further. To imagine a human being not pursuing happiness is a kind of contradiction in terms. To be fully human is to seek the best ends one knows, and to be fully human is also to apply one's human intelligence as best one can to the question, What is the good? I will be returning to this densely packed thought in the next chapter, but as starting points: Happiness is something that a Mother Teresa is striving to achieve. And anyone whose highest good really is a new BMW is not thinking in recognizably human ways. (If that seems harsh, note the italics.) For those who put their signatures to the Declaration, a society in which people were able to pursue happiness was no more and no less than a society in which people were able to go about the business of being human beings as wisely and fully as they could. The job of government was to enable them to do so. People can have no higher calling, nor can governments.

MPP6-662 PURSUIT, NOT ACHIEVEMENT OF HAPPINESS IS A RIGHT

Charles Murray, fellow, American Enterprise Institute, *IN PURSUIT OF HAPPINESS AND GOOD GOVERNMENT*, 1994, p.9.

I will be discussing the pursuit of happiness as it relates to social policy rather than the achievement of happiness. Only the former can be a "right." The latter is not within the gift of any government.

MPP6-663 JEFFERSON REJECTS HOBBS' THEORY OF GOVERNMENT

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.91.

Had the Declaration of Independence followed Hobbes, this conclusion would not, of course, have followed. For Hobbes, the essential right was life; and as long as this was preserved no condition of existence could prove so intolerable as to justify the overthrow of government. With Locke, and with Jefferson, however, there was more than mere existence involved; there were those rights which gave men stature, those rights which proclaimed the dignity of men. That the protection of such rights was the proper function of government was proclaimed to all as one of the self-evident truths. Such being the case, the following truth was evident:

That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and Happiness.

MPP6-664 JEFFERSON REJECTED HOBBS' THEORY OF HUMAN NATURE

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.153.

Jefferson's political thought was built upon his conception of the nature of man, of those who composed political society. To Jefferson, men were not the amoral selfish creatures posited by Hobbes, but the rational and moral individuals assumed by Locke. Endowed by their Creator with a sense of morality and a capacity for learning, they were also endowed with certain inalienable rights that existed as well out of society as in it.

MPP6-665 JEFFERSON'S POLITICAL IDEAS ARE GROUNDED IN RESPECT FOR THE INDIVIDUAL

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.151-2.

Jefferson's political ideas sprang from his belief in the integrity of the individual and man's capacity for learning and understanding. Inherent in individuals was a moral sense and a social disposition. "The want or imperfection of the moral sense in some men, like the want or imperfection of the senses of sight and hearing in others, is no proof that it is a general characteristic of the species." That this basic sense of morality was a part of man's being, implanted in him by his Creator, was an obvious truth to Jefferson. It was because of this fundamental moral sense that it was possible for men to live together in society.

MPP6-666 JEFFERSON'S INDIVIDUALISM REMAINS A POWERFUL LEGACY

Joseph J. Ellis, Professor of History, Mount Holyoke College, *AMERICAN SPHINX*, 1996, p.299-300.

Nevertheless, even though the content of the idea has changed in several expensive ways since Jefferson's time, what has not changed, and what remains a truly powerful Jeffersonian legacy, is the format within which all considerations of personal freedom are framed. Alone among the influential political thinkers of the revolutionary generation, Jefferson began with the assumption of individual sovereignty, then attempted to develop prescriptions for government that at best protected individual rights and at worst minimized the impact of government or the powers of the state on individual lives. Both Adams and Madison and, to an even greater extent, Hamilton, began with the assumption of society as a collective unit, which was embodied in the government, which itself should then be designed to maximize individual freedom within the larger context of public order.

MPP6-667 JEFFERSONIAN INDIVIDUALISM REJECTS GROUP RIGHTS

Joseph J. Ellis, Professor of History, Mount Holyoke College, *AMERICAN SPHINX*, 1996, p.300-1.

But individual sovereignty remains the seminal conviction and the ideological home-base for all mainstream political thinking after the threats recede. It continues to frame political conversations in ways that put all communal schemes and proposals for group rights, like affirmative action, on the defensive. At the end of his panoramic review of American democratic culture, Robert Wiebe has concluded that the Jeffersonian ideal of "self-government," though a contradiction in terms, remains the abiding belief of most Americans: "The substantial body of contemporary criticism that singles out individualism as the special curse of American democracy simply flies in the face of its history. Telling Americans to improve democracy by sinking comfortably into community, by losing themselves in a collective life, is calling into the wind. There never has been an American democracy without its powerful strand of individualism, and nothing suggests there will ever be." For better and for worse, American political discourse is phrased in Jeffersonian terms as a conversation about sovereign individuals who only grudgingly and in special circumstances are prepared to compromise that sovereignty for larger social purposes.

MPP6-668 FOR JEFFERSON FREEDOM OF EXPRESSION IS ESSENTIAL FOR HAPPINESS

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.165.

His belief in freedom was, however, most sensitive when it came to issues of ideas and opinions. Man, to pursue happiness, must be free to elect representatives of his own choosing and to engage in an occupation of his own choosing. But behind choice lay reason and argument. Only through discussion and debate could an individual learn the basic issues which would make his choice of representatives, of occupations, of religions, indeed his choice on any consequential subject, meaningful. Thus it was essential that there be freedom of speech, of opinion, and of the press.

MPP6-669 JEFFERSON DEFENDED THE MARKETPLACE OF IDEAS

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.156.

Furthermore, in defense of free competition of religious beliefs he wrote:

Reason and free inquiry are the only effectual agents against error. Give a loose to them, they will support the true religion by bringing every false one to their tribunal, to the test of their investigation. They are the natural enemies of error, and of error only.

Jefferson's thinking, leaning always in the direction of expanding the individual's freedom of thought and action, rested ultimately on his faith that free inquiry would indeed conquer error; that man was basically moral; and that educated people would come to agreement on fundamentals. It was this faith in reason, indeed in man, which made it possible for Jefferson to be such a staunch defender of the rights of man against any form of oppression by any form of government. Jefferson's major objection to the Constitution of the United States had been that in its original form it lacked a bill of rights.

MPP6-670 JEFFERSON SUPPORTED LIMITS ON JUDICIAL POWER

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.166.

It was the contention of the Federalists that constitutional issues should be decided by the judicial branch of the national government. Jefferson, although originally pleased with the provisions in the Constitution regarding the judiciary, when faced with a Federalist tribunal headed by John Marshall, came to change his opinion regarding that branch of government. In 1820 Jefferson wrote:

The judiciary of the United States is the subtle corps of sappers and miners constantly working underground to undermine the foundations of our confederated fabric. They are construing our constitution from a coordination of a general and special government to a general and supreme one alone.

To check this power, Jefferson advocated appointment of judges for terms of four or six years rather than for good behavior. Furthermore, he continued to emphasize that it was up to the states and the representatives of the people, and not the judicial branch of the national government, to decide the delicate jurisdictional questions arising under the Constitution.

MPP6-671 JEFFERSON SUPPORTED ECONOMIC LAISSEZ-FAIRE

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.164-5.

Although Jefferson was opposed to Hamilton's tariff system for encouraging manufacturing in the United States, his opposition was not entirely due to his preference for an agrarian economy. Here was, again, what was to him another unnecessary intervention by the national government into the affairs of men. A believer in laissez faire, he was for general acceptance of this principle of political economy. He was opposed to monopoly in any form; he was opposed to restraints on trade as he was opposed to restraints on ideas.

MPP6-672 FOR JEFFERSON, THE PURSUIT OF HAPPINESS REQUIRES LIBERTY

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.154.

In Jefferson's thinking, the right to pursue happiness was closely associated with the right of liberty. Only free men could pursue happiness as he used the term. As a result, Jefferson opposed monopolistic or authoritarian control in any form and sought always to keep open the channels of ideas as well as trade. To help preserve liberty, Jefferson sought three basic changes in the laws of Virginia. He sought to eliminate laws restricting the transmission of property; he wished to prevent the further importation of slaves; and he opposed the laws which restricted the scope of religious freedom.

MPP6-673 JEFFERSON SAW MINIMUM GOVERNMENT AS BEST

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.166.

Jefferson's strong feelings in favor of laissez-faire, in ideas as well as trade, led him to oppose any assumption of power by the national government which would foster monopoly or create any unnecessary tax or burden upon the people. The happiness of the people was indeed the true object of government. It was Jefferson's lifetime contention that this object was best achieved by a minimum government; founded upon democratic principles, which respected the basic rights of man.

MPP6-674 JEFFERSON GENERALLY REJECTED ACTIVIST GOVERNMENT

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.163.

His other major objection to the Constitution was that it omitted a bill of rights. In a letter to James Madison reviewing his opinions in regard to the Constitution, Jefferson noted his preference for a bill of rights, providing clearly, and without the aid of sophism, for freedom of religion, freedom of the press, protection against standing armies, restriction of monopolies, the eternal and unremitting force of the habeas corpus laws, and trials by jury in all matters of fact triable by the laws of the land, and not by the laws of nations.

Aside from these two reservations he was quite willing to see the Constitution have a fair trial, even though he noted to Madison: "I own I am not a friend to a very energetic government. It is always oppressive."

MPP6-675 JEFFERSON SAW LOCAL GOVERNMENT AS THE BULWARK OF DEMOCRACY

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.158.

While there was plenty of land in America Jefferson hoped to see the population spread out, living in small democratic communities rather than piled upon each other in cities, and engaging in agricultural pursuits rather than trade and manufacturing. In time he modified his views on the primacy of agriculture so as to give equal status to manufacturing. His ideas on local government, however, were always put in terms of small communities composed of educated yeomen rather than large cities with their teeming and dependent populace. It was these local cells of liberty-conscious people which were the essential units for democracy practiced on a broader scale.

MPP6-676 JEFFERSON FAVORED KEEPING GOVERNMENT CLOSE TO THE PEOPLE

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.166.

Jefferson's political system thus rested upon a belief in the rights of man and the faith that the people themselves were the best guardians of these rights. Since those governments were best which were most responsive to the popular will, he wished to keep government close to the people by innovating wards and stressing the importance of local and state governments. The greater distance between a government and the people it governed, the more likely was it to abuse its powers. Thus a distant government should be delegated only a minimum of powers and be strictly restricted in the exercise of these.

MPP6-677 JEFFERSON WAS A LOCKEAN, WHEREAS HAMILTON WAS A HOBBSIAN

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.151.

Some insight into the beliefs of men may be gained by knowing whom they admired in history, for a man's conception of greatness is often an indication of his framework of values. It is interesting to note in this respect that Jefferson, in a discussion with Hamilton, declared Bacon, Newton, and Locke to be the greatest men in history. Here was the humanist philosopher paying tribute to previous philosophers who also had striven to unshackle the mind of man. Hamilton, on the contrary, maintained that Julius Caesar was the greatest name in history. At bottom, the difference between Hamilton and Jefferson lay in the fact that the former followed in the school of Hobbes, the latter in the school of Locke. Hamilton, impressed with the selfish motivations of men, found government to rest upon fear and favor. Power was thus the prerequisite of government, and a successful national government was dependent upon strong national power supported by strong national economic institutions. Jefferson, believing in the innate goodness of men, cognizant of the common laws of morality, saw power as a threat to freedom. The thinking of Hamilton led to the creation of American institutions of power; the thinking of Jefferson led to the formulation of the American democratic ideas of human liberty.

MPP6-678 JEFFERSON APPEALED TO A NATURAL MORAL SENSE

Charles Murray, fellow, American Enterprise Institute, *IN PURSUIT OF HAPPINESS AND GOOD GOVERNMENT*, 1994, p.129-30.

In the mid-eighteenth century, one of the liveliest issues of political philosophy had to do with the question of whether men were Hobbesian brutes or had within them a "moral sense," in the language of the Scottish philosophers. Jefferson was one of the most optimistic Founders on this score, although his remained a guarded optimism. Men did have a moral sense, he argued; more importantly, the moral sense was part of the heritage of all men-not learned, but instinctive. It was as much a part of man "as his leg or arm." Acting from this moral sense, men left to their own devices tend to act virtuously toward their neighbors, observing when they are distressed and responding to those distresses with assistance. Jefferson was aware that human nature (the other half of the compound) was such that men could behave badly, but believed they were seduced into behaving badly by bad government. Good government left men alone to behave as they had it in them to behave. As Diggins put it, "Classical political thought aspired to make man dependent upon the state, to whose civil ideals private interests would be subordinate; Jeffersonian liberalism aspired to free man from the state to pursue his own interests. . . ."

MPP6-679 JEFFERSON BELIEVED IN THE NATURAL MORALITY AND RATIONALITY OF THE PUBLIC

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.152.

Like Locke, Jefferson believed that man was both a moral and a rational creature. Because man was both a moral and rational he had the capacity to learn and to understand. Jefferson, therefore, espoused a broad system of public education, a public library, and the establishment of the University of Virginia. If the people were truly informed, thought Jefferson, they would not be often misled.

MPP6-680 JEFFERSON'S WIDE POLITICAL EXPERIENCE SUPPORTED HIS BELIEF IN THE DANGER OF POWER

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.158-9.

Jefferson's political experience encompassed all levels of government. A county lieutenant and surveyor, member of the Colonial House of Burgesses, the Continental Congress, the House of Delegates in the state government of Virginia, Governor of Virginia, and President of the United States, he had experience not only in county, state and national government but in various legislative and executive capacities as well. It was with this wide experience in the exercise of governmental authority in his background that he wrote of the dangerous inclination of governors to abuse their powers and the need for ceaseless vigilance on the part of the governed. In the Kentucky Resolutions (1798), which he drafted, he noted -

That it would be a dangerous delusion were a confidence in the men of our choice to silence our fears for the safety of our rights: that confidence is everywhere the parent of despotism-free government is founded in jealousy, and not in confidence; it is jealousy and not confidence which prescribes limited constitutions, to bind down those whom we are obliged to trust with power

MPP6-681 JEFFERSON BELIEVED POWER TENDS TO CORRUPT

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.157.

Jefferson's faith in the wisdom and conscience of an educated people was in marked contrast to his distrust of all those who exercised the powers of government. Like John Adams and James Madison, indeed like John Cotton, he felt that there was a natural tendency for those who possessed power to abuse it.

MPP6-682 JEFFERSON SAW THE RIGHT TO HAPPINESS AS MORE FUNDAMENTAL THAN PROPERTY

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.154.

The substitution of happiness for the Lockean right of property has always been a matter for discussion, for neither Jefferson nor the other signers of the Declaration were in any way opposed to the right of property. It would seem, however, that three explanations consistent with Jefferson's ideas might be given for this substitution of terms. First, the right to property was not as fundamental as the right to happiness. Jefferson's entire philosophy emphasized the goal of human happiness. The acquisition of property might be instrumental in achieving this goal, but the possession of property was not an end in itself. Second, the right to property was not, to Jefferson, a natural right, but a right dependent upon and conditioned by civil society. In this he would depart from Locke, who claimed the ownership of property as a natural right. Third, the claim to happiness was a more comprehensive claim than the right to property. Not directly susceptible of definition, it encompassed in its phrasing a greater variety of objects.

MPP6-683 THE DECLARATION GOES BEYOND LOCKE'S DOCTRINE OF PROPERTY RIGHTS

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.90-1.

Lastly, among the enumerated unalienable rights is the right to pursue happiness. To what purpose is man's life, and his liberty, if not to attain happiness? Individual happiness, this common end, signifies a common element in all mankind. It is ultimately for happiness that men cherish their right to live and so extend themselves as to enjoy liberty. Thus did the Declaration of Independence build up the secular trinity of life, liberty, and happiness. Only in the substitution of happiness was the theory thus: far a variation from Lockes established rights of life, liberty, and property. In essence, however, the Declaration went well beyond the physical component, the right of property, in Locke.

MPP6-684 THE DECLARATION UPHOLDS THE PRINCIPLE OF COMMON RATIONALITY

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.89-90.

Following this simple statement of explanation of why the Declaration was written is the philosophical argument. Here are enunciated the self-evident truths. These truths are self-evident because they need neither empirical proof to substantiate them nor the refined reasoning of deductive logic. They stand, in other words, without explanation or verification, upon their own merits. Yet the very assumption that, first, there are certain truths which must be universal, and, second, that these are not obscurities but on the contrary, self-evident, suggests a view of mankind which would lend cause for a decent respect. This view of mankind recognizes a common rationality, at least in fundamental conceptions.

MPP6-685 JEFFERSON DEFENDED SEPARATION OF CHURCH AND STATE

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.155.

A further aspect of Jefferson's struggle against obstacles in the path of individual liberty was his successful effort to have enacted in Virginia a bill, which he drafted in 1779, for establishing religious freedom. He included this measure, along with the Declaration of Independence and the founding of the University of Virginia as the greatest achievements of his life. In this bill, which prohibited any compulsory contributions of money to any religious establishment or the placing of any burdens on a man for his religious beliefs, he noted that "our civil rights have no dependence on our religious opinions, any more than our opinions in physics or geometry. . . ." His reasoning, as given in this bill, is an extension of that used a century and a half earlier by Roger Williams.

MPP6-686 JEFFERSON DEFENDED FREEDOM OF RELIGION ON THE BASIS OF A NON-COERCION PRINCIPLE

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.156.

Elsewhere, in his Notes on Virginia, Jefferson continued his argument in favor of a separation of state authority from religion. Maintaining that the powers of government could legitimately extend only to such acts of individuals which injured others, he declared that one's religious opinions could not hurt another. "It neither picks my pocket nor breaks my leg," he noted.

MPP6-687 RELIGIOUS FREEDOM IS THE MOST DURABLE ASPECT OF JEFFERSON'S LEGACY

Joseph J. Ellis, Professor of History, Mount Holyoke College, *AMERICAN SPHINX*, 1996, p.296.

Within that antigovernment context, Jefferson's most enduring legacy is the principle of religious freedom, defined as the complete separation of church and state, though he would be distressed to know that the chief defender of this negative principle in the last half of the twentieth century has been the Supreme Court, the branch of government he hated most. Nevertheless, the principle that the government has no business interfering with a person's religious beliefs or practices is the one specific Jeffersonian idea that has negotiated the passage from the late eighteenth to the late twentieth century without any significant change in character or coloration.

MPP6-688 FOR JEFFERSON GOVERNMENT EXISTS TO PROTECT RIGHTS

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.91.

Yet, following Locke, the Declaration of Independence states that men possessed of these unalienable rights established government in order to preserve these rights. Since these rights are inalienable, they cannot be bargained away; no government can legitimately usurp them. Furthermore, since governments are established by those possessing these rights, governments must exist for the creatures who established them.

MPP6-689 PROTECTING RIGHTS IS THE SOLE FUNCTION OF GOVERNMENT

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.91.

Since the rights of man are the very principles on which governments are founded, and since the preservation of these rights is the sole justification for continuance of governments, it follows that the failure to preserve these rights is sufficient justification for the overthrow of government.

MPP6-690 JEFFERSON SAW HUMAN RIGHTS AS NATURAL

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.153-4.

Following in the natural rights school, Jefferson attacked the notion that these basic rights were the product either of society or of the state. In the course of the debate with England during the Revolutionary period, Jefferson wrote *A Summary View of the Rights of British America* (1774). Here he laid down the grievances of the colonists with "that freedom of language and sentiment which becomes a free people, claiming their rights as derived from the laws of nature, and not as the gift of their Chief Magistrate." Some three years later in the Declaration of Independence he further defined these natural rights as including, among others, life, liberty, and the pursuit of happiness.

MPP6-691 JEFFERSON EMBRACED LOCKE'S THEORY OF RIGHTS

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.90.

The second self-evident truth was the possession by men of certain rights which were unalienable, because they were granted to men by God. These rights included, among others not specified, life, liberty, and the pursuit of happiness. With the exception of the last, these were the rights of John Locke and the colonial writers. To deny the right of a created creature to live would be to deny the purpose of his creation.

MPP6-692 FOR JEFFERSON, THE OTHER RIGHTS FOLLOW FROM THE RIGHT TO LIFE

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.90.

That each man values his own life would not be a fact worth noting were there not a universal sentience regarding all mankind. But it was this common sentience that was itself a universal and justified the existence of all men everywhere. If the right to life is established, then the other rights follow quite naturally. For, if man is entitled to have his opinion respected by other men, then he must be equally entitled to liberty. If man was but an instrument, a means to an end, he could have no value in himself, and his liberty would be of no significance, as he would be a mere tool for some higher fulfillment. If man has, however, value in himself, is possessed of the reasonable faculties that characterize men, then he is entitled to freedom to exercise his powers. As a reasonable creature, he may exercise his reason to solve his problems. To deny him liberty would be to deny the equality of his creation or the very significance of his right to life.

MPP6-693 JEFFERSON DISTINGUISHES NATURAL AND CIVIL RIGHTS

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.157.

Many followers of the natural-rights theory tended to group all the rights of man into a natural-rights category. Jefferson, however, was more discerning and distinguished between natural and civil rights. In the first category he placed the rights of "Thinking, speaking, forming and giving opinions, and perhaps all those which can be fully exercised by the individual without the aid of exterior assistance -- or, in other words, rights of personal competency." These were rights which man might enjoy even though removed from political society. In the second category, or civil rights, he found "Those of personal protection, of acquiring and possessing property, in the exercise of which the individual natural power is less than the natural right." Natural rights were of course the more fundamental, but it became the proper function of the government to see that individuals were protected in the enjoyment of both classes of rights.

MPP6-694 JEFFERSON UPHELD MINORITY RIGHTS AGAINST MAJORITY TYRANNY

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.157.

It was, in fact, primarily for the protection of rights that governments, under the compact theory, were instituted among men. Even though a government was democratic in character and operated according to the principle of majority rule, it still could not take actions which would violate the rights of man held by the minority. In his first Inaugural Address (March 4, 1801) Jefferson declared:

This sacred principle, that though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable; that the minority possess their equal rights, which equal laws must protect, and to violate which would be oppression.

It was because Jefferson believed that the majority will would be reasonable and would not seek to trample on the rights of others that he believed that democracy was that form of government most likely to preserve and protect the rights of man.

MPP6-695 JEFFERSON FOLLOWED LOCKE IN UPHOLDING A RIGHT TO REVOLUTION

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.91-2.

Thus was proclaimed the right of revolution, derived from the natural rights of man. Such had been the justification of revolution set forth by Locke after the fait accompli in England; such now was the justification set forth by the Declaration of Independence in the course of revolution in America. Neither Jefferson nor Locke supposed that the right of revolution might be a frequent recourse of the people. Both cited the habit of the populace to accept continued maltreatment before a recourse to arms. But without this ultimate remedy, there was no escape from long-standing abuse. The philosophic conclusion of the Declaration of Independence was the right of revolution. It remained but to relate this conclusion to the situation in the colonies to prove that the colonies were justified in exercising this right.

MPP6-696 JEFFERSON DEFENDED SEPARATION OF POWERS

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.160.

His fourth criticism was an attack upon the faulty separation of powers. Under the Virginia constitution the executive and judicial branches were dependent upon the legislature, which body appointed the governor and his council, the major executive officers of the state as well as the judges of the superior courts. Thus, executive, legislative and judicial power fell ultimately under the control of the legislature. "The concentrating of these in the same hands is precisely the definition of despotic government," wrote Jefferson, following John Locke and Montesquieu.

An elective despotism was not the government we fought for, but one which should not only be founded on free principles, but in which the powers of government should be so divided and balanced among several bodies of magistracy, as that no one could transcend their legal limits, without being effectually checked and restrained by the others.

MPP6-697 THE DECLARATION ASSUMES UNIVERSAL HUMAN VALUES

Alan Pendleton Grimes, Michigan State University, *AMERICAN POLITICAL THOUGHT*, 1983, p.89.

Why, it may be asked, should the opinions of mankind enter into this controversy between the colonies and England? Why should this newborn state wish to justify its existence to the rest of the world? The answers are found in the assumption that the opinions of mankind are of value, are of consequence, that mankind generally may judge right from wrong, and that the righteousness of the cause of the colonies will be clear. This tacit assumption of the Declaration, like so many of its expressed assumptions, goes back to the early Stoic philosophers. It expressed the belief that man and his opinions were worth something, that there was a tribunal that was mankind sitting in judgment upon the actions of men and states. It assumed the validity of a universal moral judgment that was made clear to men when they used their reasonable faculties. It assumed, in fact, the eternal validity of natural law.

MPP6-698 JEFFERSON REJECTED INCOME REDISTRIBUTION

Richard Hofstadter, Professor of History, Columbia, *THE AMERICAN POLITICAL TRADITION*, 1948, p.37-8.

Like other theorists of the "natural law" era, Jefferson was quite ready to believe that the "natural" operations of the system of self-seeking private enterprise were intrinsically beneficent and should not normally be disturbed by government. In his First Inaugural he called for "a wise and frugal government, which shall restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned." In a letter to Joseph Milligan, April 6, 1816, in which he discussed the proper limits of taxation, he concluded that the state ought not be aggressive in redistributing property:

To take from one, because it is thought his own industry and that of his fathers has acquired too much, in order to spare to others, who, or whose fathers have not exercised equal industry and skill, is to violate arbitrarily the first principle of association, "the guarantee to everyone a free exercise of his industry and the fruits acquired by it."

John Taylor, perhaps the cleverest of the agrarian writers, likewise believed that "it is both wise and just to leave the distribution of property to industry and talents."

MPP6-699 JEFFERSON REJECTED DIRECT GOVERNMENT AID TO THE POOR

Richard Hofstadter, Professor of History, Columbia, *THE AMERICAN POLITICAL TRADITION*, 1948, p.38-9.

Where modern liberals have looked to government interference as a means of helping the poor, Jefferson, in common with other eighteenth-century liberals, thought of it chiefly as an unfair means of helping the rich through interest-bearing debts, taxation, tariffs, banks, privileges, and bounties. He concluded that the only necessary remedy, under republican government would be to deprive the rich of these devices and restore freedom and equality through "natural" economic forces. Because he did not usually think of economic relationships as having an inherent taint of exploitation in them, he saw no necessity to call upon the state to counteract them. It was not the task of government to alter the economic order: the rich were not entitled to it and the poor would not find it necessary.

MPP6-700 JEFFERSON DEFENDED NEGATIVE FREEDOM AND REJECTED ENTITLEMENTS

Joseph J. Ellis, Professor of History, Mount Holyoke College, *AMERICAN SPHINX*, 1996, p.299.

Clearly, Jefferson's own conception of individual freedom was more restricted than modern-day notions. His vision was essentially negative: freedom from encroachments by either church or state. It was all a piece with his antigovernment ethos and therefore incompatible with our contemporary conviction about personal entitlements, whether it be for a decent standard of living, a comfortable retirement or adequate health care, all of which depend on precisely the kind of government sponsorship he would have found intrusive. His was the freedom to be left alone, which has more in common with twentieth-century claims to privacy rights than more aggressive claims to political or economic power. He really had little to say about the positive ways that Americans should use their individual freedom, though the nineteenth-century scramble for wealth, then the twentieth-century pursuit of unprecedented levels of consumption, would surely have left him disappointed in his fellowman.

MPP6-701 THE FOUNDERS OFFER IMPORTANT INSIGHTS INTO CONTEMPORARY PUBLIC ISSUES

Charles Murray, fellow, American Enterprise Institute, *IN PURSUIT OF HAPPINESS AND GOOD GOVERNMENT*, 1994, p.128.

Rather, it is argued that the Founders (taking their thought as whole, encompassing the thinking behind the Declaration and the Constitution) drew from common eighteenth-century understandings of man's potential and of man's limitations, and that these understandings (not any particular point in the Constitution) provide an important and persuasive perspective on how to approach contemporary policy issues.

MPP6-702 THE JEFFERSONIAN LEGACY HAS LITTLE TO SAY ABOUT MAJOR CURRENT PROBLEMS

Joseph J. Ellis, Professor of History, Mount Holyoke College, *AMERICAN SPHINX*, 1996, p.296.

The persistent and even reinvigorated vitality of the antigovernment ethos cuts two ways, however, because its rhetorical relevance as a distinctly Jeffersonian way to frame questions about public policy means that on the most disturbing and controversial problems in contemporary American society -- abortion, drugs, poverty, crime -- the Jeffersonian legacy has little to say. The debate about such social problems is a debate about government's proper role, and from a Jeffersonian perspective, government should have no role at all. As Carl Becker put it, Jefferson believed that "the only thing to do with political power, since it is inherently dangerous, is to abate it."

MPP6-703 A SEA CHANGE SEPARATES JEFFERSON'S WORLD FROM THE PRESENT

Joseph J. Ellis, Professor of History, Mount Holyoke College, *AMERICAN SPHINX*, 1996, p.295.

It should now be abundantly clear that the ingrained reticence of historians to translate Jefferson across the ages is rooted in more than mere timidity; it is grounded in a fuller appreciation of the sea change that separates his world from our own. To extend the image of sand castles on the beach, it is not just that successive waves of change have swamped Jefferson's core convictions; it is also that the shape of the entire shoreline has been completely reconfigured. The decisive demographic and attitudinal changes that made the United States "post-Jeffersonian" occurred between 1890 and 1920. Ironically, one of the most discernible strands of Jeffersonian thought that remains very much alive is the steadfast reluctance, in some instances downright refusal, to accept the political implications of these changes.

MPP6-704 SCIENTIFIC PROGRESS UNDERCUTS JEFFERSON'S THOUGHT

Joseph J. Ellis, Professor of History, Mount Holyoke College, *AMERICAN SPHINX*, 1996, p.294-5.

The mention of "fixed principles of nature" suggests an entirely different series of waves generated by the winds of change in the scientific as opposed to the political world. Chief among these are the discoveries associated with Charles Darwin, Sigmund Freud and Albert Einstein, which, taken together, completely shattered Jefferson's premodern assumptions about the physical principles that governed the natural world as well as the relationship between what he called "the heart and the head." The entire mental universe in which Jefferson did his thinking has changed so dramatically, modern science has so unmoored all the "fixed principles" that he took for granted, that any direct connection between then and now must be regarded as a highly questionable enterprise.

MPP6-705 COLD WAR AND CIVIL RIGHTS MOVEMENT RENDERED MUCH OF JEFFERSON'S THOUGHT OBSOLETE

Joseph J. Ellis, Professor of History, Mount Holyoke College, *AMERICAN SPHINX*, 1996, p.294.

The fourth and final wave came crashing down between 1950 and 1965. The onset of the Cold War in the late 1940s employed an essentially Jeffersonian moralism to mobilize public opinion against the Soviet Union. But with National Security Memorandum 68 in 1950, the United States committed itself to a massive military establishment to fight the Cold War that embodied precisely the kind of standing army (and navy and air force) that Jefferson abhorred. Meanwhile the Supreme Court decision in *Brown v. Board of Education*, then the civil rights legislation of the early 1960s, institutionalized the ideal of a biracial American society, making Jefferson's belief in the physical and legal separation of blacks and whites an anachronism. Lyndon Johnson's Great Society, with its entrenched military establishment, its dedication to the welfare state, its extension of full citizenship to blacks and women, represented the epitome of political corruption in the Jeffersonian scheme, as well as the repudiation of racial and gender differences that Jefferson regarded as rooted in fixed principles of nature.

MPP6-706 THE NEW DEAL DESTROYED JEFFERSON'S IDEAL OF MINIMAL GOVERNMENT

Joseph J. Ellis, Professor of History, Mount Holyoke College, *AMERICAN SPHINX*, 1996, p.294.

The third wave arrived in the 1930s with the New Deal. In hindsight, one could actually see it coming from the early years of the twentieth century, when the effects of urbanization, industrialization, the increased density of the population and the exponential growth of corporate power over the economy combined to generate a need for a more centralized government to regulate the inequities of the marketplace and discipline the boisterous energies of an industrial economy. Herbert Croly's *The Promise of American Life* (1909) had prophesied and championed these political changes, but it took Roosevelt's New Deal to implement and institutionalize them. Roosevelt's appropriation of Jefferson as a New Deal Democrat was one of the most inspired acts of political thievery in American history, since the growth of federal power during the New Deal represented the triumph, in Jeffersonian terms, of "consolidation" over "diffusion." The New Deal was in fact the death knell for Jefferson's idea of a minimalist government.

MPP6-707 DEMOGRAPHIC CHANGES HAVE UNDERMINED JEFFERSON'S AGRARIAN VISION

Joseph J. Ellis, Professor of History, Mount Holyoke College, *AMERICAN SPHINX*, 1996, p.293-4.

The second wave, really a series of waves, struck between 1890 and 1920. In 1890 the census of the United States revealed that the frontier phase of American history was over. (Frederick Jackson Turner's influential essay "The Significance of the Frontier in American History" three years later announced that "the frontier is gone and with its going has closed the first period of American history.") Then the Census of 1920 reported that for the first time, the majority of American citizens lived in urban as opposed to rural areas. And between these two dates the United States accepted a huge influx of European and Asian immigrants that permanently altered the previously Anglo-Saxon character of the American population. Taken together, these demographic changes transformed Jefferson's agrarian vision into a nostalgic memory, his belief in the resuscitative powers of the West into a democratic myth and his presumption of Anglo-Saxon hegemony into a racial relic.

MPP6-708 THE CIVIL WAR MADE JEFFERSON'S VIEWS ON STATES' RIGHTS OBSOLETE

Joseph J. Ellis, Professor of History, Mount Holyoke College, *AMERICAN SPHINX*, 1996, p.293.

The first major wave to strike was the Civil War, which destroyed slavery, the political primacy of the South and the doctrine that the states were sovereign agents in the federal compact. After 1865, Jefferson's "Virginia-writ-large" version of the United States was gone with the proverbial wind, and his convictions about the proper distribution of power between state and federal governments, if not completely washed away, were permanently put on the defensive.

MPP6-709 MOST HISTORIANS WOULD REJECT TAKING JEFFERSON OUT OF HISTORICAL CONTEXT

Joseph J. Ellis, Professor of History, Mount Holyoke College, *AMERICAN SPHINX*, 1996, p.292.

Most historians would chime in with a different version of the same message. As they see it, the past is a foreign country with its own distinctive mores and language. All efforts to wrench Jefferson out of his own time and, place, therefore, are futile and misguided ventures that invariably compromise the integrity of the historical context that made him what he was. Lifting Jefferson out of that context and bringing him into the present is like trying to plant cut flowers. Granted, this means protecting the purity of the past at the expense of abandoning its relevance to the present. But most historians would rather run the risk of antiquarianism than commit the sin of presentism.

MPP6-710 JEFFERSON WAS OPPOSED TO LONG LASTING POLITICAL LEGACIES

Joseph J. Ellis, Professor of History, Mount Holyoke College, *AMERICAN SPHINX*, 1996, p.291.

What then, is the historically correct Jeffersonian legacy? What, if any, are the values that the real person who was Thomas Jefferson embodied in his life that remain vital and viable over two centuries after he declared American independence? More than half a century after the historian Carl Becker posed the question in its most familiar form, it seems appropriate and even timely to ask ourselves again, "What is still living in the political philosophy Thomas Jefferson?"

The question, it must be noted, would strike Jefferson himself and the majority of professional historians as bizarre. Jefferson certainly wanted to be remembered, but he had little patience with historical heritages, which he tended to regard as burdens imposed on the present by the past. Joyce Appleby, one of Jefferson's most astute modern-day admirers, has put it nicely: "The true Jeffersonian legacy is to be hostile to legacies." If he could make a miraculous appearance among us, it would be perfectly plausible for him to denounce the entire Jeffersonian enterprise as a massive waste of time. The present generation of Americans, he might well say, needs to liberate itself from the dead hand of ancestors and predecessors and seek its own fate and future. Indeed only by doing so will we remain faithful to the core Jeffersonian convictions.

MPP6-711 JEFFERSON'S CREED DOESN'T OFFER THE BASIS FOR A MULTIRACIAL AMERICA

Joseph J. Ellis, Professor of History, Mount Holyoke College, *AMERICAN SPHINX*, 1996, p.297.

First, a host of otherwise intelligent commentators, following the lead of Gunnar Myrdal in *An American Dilemma* (1943), have claimed that the core ideas of what he called the American Creed, as first articulated by Jefferson in the natural rights section of the Declaration of Independence, constitute the intellectual common ground on which America's many different racial and ethnic groups can congregate. Jefferson's most eloquent words, and the ideas of freedom and equality they proclaim, thereby become the intellectual cement or glue holding multiracial America together.

Not only is it rather preposterous to believe that an abstract idea can perform such a massive social function, but it also flies in the face of all that we know about the historical Jefferson to make him an advocate of racial equality or the modern-day multiracial ideal. He was a staunch believer in white Anglo-Saxon supremacy, as were several other leading figures in the revolutionary generation. Moreover, he went out of his way to identify the differences between the races as products of nature rather than nurture. Martin Luther King, Jr., was right to deliver his "I Have a Dream" speech on the steps of the Lincoln Memorial, for it was Lincoln's expansive revision of the original Jeffersonian version of the natural rights philosophy that broadened the message to include blacks. While it is plausible to cite Jefferson as an enemy of slavery, though even here the evidence of his life contradicts the logical imperatives of his thought, it is a wholesale distortion of both his life and his thought to describe him as a friend to racial integration.

MPP6-712 JEFFERSON'S LAISSEZ-FAIRE ECONOMICS ENTRENCHED CONSERVATISM

Richard Hofstadter, Professor of History, Columbia, *THE AMERICAN POLITICAL TRADITION*, 1948, p.39.

Jefferson rejected from his political philosophy the idea that one man has any intrinsic superiority over another; but he implicitly and perhaps unwittingly took it back again when he accepted competitive laissez-faire economics with its assumption that, so long as men were equal in law, and government played no favorites, wealth would be distributed in accordance with "industry and skill." Such a philosophy seemed natural enough to American farmers and planters who were in their own rights entrepreneurs, businessmen, exporters, and often, in a small way, speculators with a weather eye on land values -- men accustomed to stand on their own feet.

In due time, of course, Jeffersonian laissez-faire became the political economy of the most conservative thinkers in the country. Fifty years after Jefferson's death men like William Graham Sumner were writing sentences exactly like Jefferson's and John Taylor's to defend enterprising industrial capitalists and railroad barons from government regulation and reform. And one hundred years after the Jeffersonians first challenged John Adams at the polls, William Jennings Bryan, leading the last stand of agrarianism as an independent political power, was still striving to give his cause the color of respectability by showing that, after all, the farmer too was a businessman!

MPP6-713 JEFFERSON'S PHILOSOPHY NOW FUELS CONSERVATISM

Joseph J. Ellis, Professor of History, Mount Holyoke College, *AMERICAN SPHINX*, 1996, p.295.

The chief voice for this potent version of Jeffersonian nostalgia in the late twentieth century is the conservative wing of the Republican party. Starting with Barry Goldwater in the 1960s, then reaching a crescendo of national success with Ronald Reagan in the 1980s and continuing with Newt Gingrich's Contract with America in the 1990s, the conservative movement has campaigned against the encroaching character of the federal government, much as Jefferson campaigned against the consolidating tendencies of the English Parliament in the 1770s, the Hamiltonian financial program of the 1790s and federal efforts to block the expansion of slavery in the 1820s. It is not just that the Republican desire to shift power from the federal to the state governments echoes Jefferson's constitutional preference; more significantly the deeper echo is his profound hostility to government power per se. Indeed, since the end of the Cold War in 1989, the American government has replaced the Soviet Union as our domestic version of the Evil Empire.

MPP6-714 CURRENT APPLICATIONS OF JEFFERSON'S THOUGHT ARE DANGEROUSLY REACTIONARY

Joseph J. Ellis, Professor of History, Mount Holyoke College, *AMERICAN SPHINX*, 1996, p.295-6.

This is pure Jefferson, both in its congenital aversion to centralized authority located far from local communities and in its tendency to overlook the legitimate reasons why these political institutions at the federal level came into existence in the first place. Like Jefferson upon his ascendancy to the presidency in 1800, modern conservatives conceive their task as a dismantling operation designed to remove the accumulated political debris that has built up since the golden age. For Jefferson the clock needed to be turned back to 1776. For modern conservatives the target date is more elusive: 1963 (pre-Great Society); 1932 (pre-New Deal); even 1890 (pre-Progressivism). The underlying logic of conservative thought clearly regards the entire federal edifice that has developed in post-Jeffersonian America -- that is, over the past century -- as both dangerous and dispensable. One could argue that this is primarily a rhetorical posture, that no one seriously contemplates the elimination of Social Security or the Federal Reserve Board, that in fact the quadrennial assaults on the powers of the federal government have had little, if any, impact on the growth of federal spending or the size of the Washington bureaucracy. Nevertheless, the rhetorical prowess of Jefferson's antigovernment ethos should not be underestimated as an influence on the special character of political discourse. Unlike any other nation-state in the modern world, the very idea of government power is stigmatized in the United States. And it is the residual power of Jeffersonian rhetoric that keeps government on the defensive. This potent strand of Jeffersonian thought remains alive and well in the conservative wing of the Republican party.

MPP6-715 JEFFERSON WAS MORE COMMITTED TO HIS CLASS THAN TO DEMOCRACY

Richard Hofstadter, Professor of History, Columbia, *THE AMERICAN POLITICAL TRADITION*, 1948, p.32-3.

In after years Jefferson declared that the struggle between his party and the Federalists was one between those who cherished the people and those who distrusted them. But he had been associated with a number of men like Elbridge Gerry, Pierce Butler, Charles Pinckney, and Edmund Randolph who did not cherish the people in the least, and the differences in abstract principle were hardly intense enough to account for the fierceness of the conflict or for the peculiar lines along which it was drawn. Although democratically minded Americans did stand with Jefferson, the line of division was essentially between two kinds of property, not two kinds of philosophy. The Federalists during Hamilton's service as Secretary of the Treasury had given the government a foundation of unashamed devotion to the mercantile and investing classes. Through his method of funding the national debt, through his national bank, and through all the subsidiary policies of the government, Hamilton subsidized those who invested in manufactures, commerce, and public securities, throwing as much of the tax burden as possible on planters and farmers. The landed interests, however, were in a majority, and it was only a matter of time before they could marshal themselves in a strong party of their own. Jefferson's party was formed to defend specific propertied interests rather than the abstract premises of democracy, and its policies were conceived and executed in the sober, moderate spirit that Jefferson's generation expected of propertied citizens when they entered the political arena.

MPP6-716 JEFFERSON EMBRACED CONSERVATIVE POLITICAL WRITINGS INCLUDING THE FEDERALIST

Richard Hofstadter, Professor of History, Columbia, *THE AMERICAN POLITICAL TRADITION*, 1948, p.30.

All this sounds close to the theories of Madison and Adams. In fact, Jefferson did not differ with them strongly enough to challenge their conservative writings of the constitutional period. In 1788 he wrote to Madison praising the Federalist as "the best commentary on the principles of government which ever was written." Two years later, advising his nephew Thomas Mann Randolph on a course of reading, Jefferson praised Locke's work as being "perfect as far as it goes," and then added: "Descending from theory to practice, there is no better book than the Federalist." In 1787 he told John Adams that he had read his *Defence* "with infinite satisfaction and improvement. It will do great good in America. Its learning and its good sense will, I hope, make it an institute for our politicians, old as well as young."

MPP6-717 JEFFERSON'S IDEALS ENCOURAGE POLITICAL DECEPTION

Joseph J. Ellis, Professor of History, Mount Holyoke College, *AMERICAN SPHINX*, 1996, p.301.

Finally, Jefferson created a particular style of leadership adapted to the special requirements of American political culture that remains relevant two centuries later. It is a style based on the capacity to rest comfortably with contradictions. If you begin with, the conviction that government is at best a necessary evil, then effective political leadership must be indirect and unthreatening. It must cloak the exercise of power from public view, appear to be a tamer and more innocuous activity than it really is. If there is also an inherent disjunction between the ideals on which the nation is founded (i.e., individual freedom, equality of opportunity and popular sovereignty) and the imperatives of effective government, imperatives which require the capacity to coerce and discipline the undecided and faint of heart, then effective leadership, especially at the executive level, must be capable of benign deception. And if the political culture claims to derive its authority from popular opinion, which is by definition divided over the contested questions of the day, then leadership must at least appear to be followship, and the knack of political survival requires the skill to use language in ways that permit different constituencies to hear what they are listening for.

MPP6-718 JEFFERSON'S IDEAS LEND THEMSELVES TO PLATITUDINOUS CANT

Joseph J. Ellis, Professor of History, Mount Holyoke College, *AMERICAN SPHINX*, 1996, p.298-9.

Virtually all commentators who ascend into the rarefied regions in pursuit of Jefferson's enduring legacy eventually end up discovering its essence in the natural rights section of the Declaration of Independence and the ideal of individual freedom it so eloquently celebrates. At the beginning of the twentieth century Woodrow Wilson, questing after what he called "The Spirit of Jefferson," found it in "the right of the individual to a free opportunity. . . ." At the end of the century Joyce Appleby, engaging in the same quest, also concluded that Jefferson's "most enduring legacy, entailed on us in the name of nature, has been a particular understanding of human freedom." In between these interpreters countless orators, statesmen and scholars have sounded a similar note, usually as part of a patriotic hymn in which Jefferson has proved a serviceable source for campaigns against foreign foes, such as Germany, Japan and the Soviet Union, or in domestic battles against such contradictory targets as labor unions and corporate power, welfare legislation and entrenched poverty, the death penalty and the right to die. Jeffersonian rhetoric lends itself naturally to this kind of benign dilution and functional promiscuity. Where the real Jeffersonian idea ends and the platitudinous cant begins has become an unanswerable question.

MPP6-719 JEFFERSON WAS INSUFFICIENTLY
CONCERNED WITH ISSUES OF PUBLIC ORDER

Joseph J. Ellis, Professor of History, Mount Holyoke College,
AMERICAN SPHINX, 1996, p.300.

Jefferson did not worry about public order, believing as he did that individuals liberated from the last remnants of feudal oppression would interact freely to create a natural harmony of interests that was guided, like Adam Smith's marketplace, by invisible or veiled forms of discipline. This belief, as Adams tried to tell him in the correspondence of their twilight years, was always an illusion, but it was an extraordinarily attractive illusion that proved extremely efficacious during the rowdy "takeoff" years of the American economy in the nineteenth century, when geographic and economic growth generated its own topsy-turvy version of dynamic order. Not until the late nineteenth century, with the end of the frontier and the emergence of the massive economic inequalities of the Gilded Age, was it fully exposed as an illusion.